

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59241 of 2023

Arising Out of PS. Case No.-112 Year-2022 Thana- NAYAGAON District- Saran

Pradeep Kumar Son of Majistar Ray Resident Of Village- Gopalpur, P.S.-
Nayagaon, Distt- Saran Petitioner.

Versus

The State of Bihar Opposite Party.

Appearance :

For the Petitioner/s : Mr.Avnish Kumar Singh, Advocate

For the Opposite Party/s : Mr.Amitesh Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 03-10-2023 Heard learned counsel for the petitioner and learned
counsel for the State.

2. In the present case, the petitioner is apprehending his arrest in connection with Nayagaon P.S. Case No. 112 of 2022, registered on 18.06.2022 for the offences under Sections 147, 149, 323, 188, 353 and 337 of the Indian Penal Code.

3. As per prosecution case, the petitioner and other co-accused persons were protesting against the Agnipath scheme of the Government and when the police tried to remove them from the place they have blocked, they started brick batting and pelting stones and caused obstruction in work of the police personnel.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this



case. FIR has been registered against 10 named and 20-25 unknown and there is no allegation of any specific overt act against the petitioner and he has been identified as a member of the mob. It is apparent from the FIR that none of the police personnel received any injury on their person and there is no allegation of damaging any police property. Learned counsel further submitted that the police resorted to unprovoked lathi charge and in order to save them, falsely implicated the petitioner and others. Learned counsel further submits that during investigation nothing has come against the petitioner and petitioner is an unemployed youth and he has to appear in number of examinations. Another similarly situated co-accused Ajeet Kumar has been granted anticipatory bail by a Co-ordinate Bench vide order dated 17.07.2023 passed in Cr. Misc. No. 31317 of 2023. The petitioner has got no criminal antecedent.

5. Learned APP opposes the submission made on behalf of the petitioner.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the nature of allegation against the petitioner and further considering the possibility of false implication and grant of bail



to the similarly situated co-accused, let the petitioner above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs.20,000/- (Rupees Twenty Thousand Only) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Ist Class, Saran at Chapra/concerned court in connection with Nayagaon P.S. Case No. 112 of 2022, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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