

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58994 of 2023

Arising Out of PS. Case No.-68 Year-2022 Thana- KIUL RAIL P.S. District- Lakhisarai

1. Binod Kumar @ Vinod Kumar Son Of Sharvan Yadav@ Sharwan Yadav
Resident Of Village- Lakhochak, Ps- Kiul, Distt- Lakhisarai
2. Subhash Kumar Son Of Suresh Yadav Resident Of Village- Ramnagar, Ps-
Kiul, Distt- Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Narsingh Tanti, Advocate

For the Opposite Party/s : Mr.Dashrath Mehta, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 18-10-2023 Heard Mr.Narsingh Tanti, learned counsel for the
petitioners and Mr.Dashrath Mehta, learned Additional Public
Prosecutor for the State.

2. The petitioners are apprehending their arrest in
connection with Kiul Rail P.S. Case No.68 of 2022, FIR dated
17.06.2022 instituted under Sections 147, 148,149, 353, 436,
457, 380,411, 302, 427 of the IPC and under Sections 150,151,
152, 145, 146, 147, 174(A) of Railway Act.

3. As per the prosecution story, the Station Master
alleged that opposing the ‘Agniveer’ Project of Government of
India, the students took out procession, 500 of them reached
Lakhisarai Station and resorted to violence, ransacked the



coaches and also torched the train which led to burning of 21 coaches of 12368 DN which was at that time at Platform No.2.

4. Learned counsel for the petitioners submits that for the same occurrence the petitioners have been made accused in RPF Kiul P.S.Case No.03 of 2022 from the same set of allegation and in which the petitioners have been granted privilege of anticipatory bail by different Coordinate Benches of this Hon'ble Court vide order dated 09.08.2023 passed in Cr. Misc.No. 45075 of 2023 and order dated 11.08.2023 passed in Cr. Misc. No. 48360 of 2023.

5. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for anticipatory bail of the petitioners.

6. Considering the aforesaid facts and nature of allegation, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000 (Ten Thousand)each with two sureties of the like amount each to the satisfaction of learned Railway Judicial Magistrate, Kiul in connection with Kiul Rail P.S. Case No.68 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal



Procedure and with other following conditions:-

(I) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(II) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(III) And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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