

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64277 of 2022

Arising Out of PS. Case No.-457 Year-2022 Thana- BETTIAH CITY District- West
Champaran

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ANAND KUMAR Son of Lalbabu Jha Resident of Village - Sugaha
Bhawanipur, P.S. - Kangli, Dist.- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 6839 of 2023

Arising Out of PS. Case No.-457 Year-2022 Thana- BETTIAH CITY District- West
Champaran

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ROHIT RAM @ ROHIT KUMAR Son of Rameshwar Ram R/o- Bharwa
Tola, P.S.- Sirishiya OP, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 64277 of 2022)

For the Petitioner/s : Mr. Sanjeev Kumar

For the Opposite Party/s : Mr. Umanath Mishra

(In CRIMINAL MISCELLANEOUS No. 6839 of 2023)

For the Petitioner/s : Mr. Rishabh Mishra

For the Opposite Party/s : Mr. Md. Fahimuddin

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 28-02-2023 Heard Ld. counsel for the petitioners and Ld. APP

for the State.

The petitioners seek bail in connection with Bettiah

(T) P.S. Case No. 457 of 2022, registered for the offences

punishable under Sections 143, 147, 148, 149, 341, 323,



353, 332, 333, 338, 435, 436, 307, 427, 504, 120B, 395 and 412 of the Indian Penal Code and Section 27 of the Arms Act.

As per allegation, 72 named and 500 to 700 unnamed persons resorted to violent protest upon the house of an Hon'ble Member of Parliament and have also allegedly damaged public property during the protest.

Ld. counsel for the petitioners submit that the petitioners are innocent and have falsely been implicated in this case. They further submit that the petitioners were not apprehended at the spot and no incriminating articles were recovered from the conscious possession of the petitioners. They further submit that similarly situated co-accused persons, namely, Mukesh Yadav and Aakash Yadav have already been enlarged on bail vide orders dated 30.01.2023 and 30.01.2023 passed in Cr. Misc. No. 63674 of 2022 and Cr. Misc. No. 61115 of 2022.

They further submit that the petitioners, namely, Anand Kumar and Rohit Ram have been languishing in jail since 24.06.2022 and 18.06.2022, respectively.



It has also been stated in paragraph no. 3 of the bail petition that the petitioners, namely, Anand Kumar and Rohit Ram have earlier been made accused in one and four other cases, respectively.

It is also stated in paragraph no. 2 of the bail petition that the petitioners have not moved this Court earlier either for anticipatory bail or regular one.

However, Ld. APP for the State vehemently opposes the prayer of the petitioners for bail.

Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioners, above-named, to be enlarged on bail on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of Ld. C.J.M., Bettiah, West Champaran in connection with Bettiah (T) P.S. Case No. 457 of 2022, on the following conditions:

(i) The petitioners will make themselves available for interrogation by a police officer/court as and when required.



(ii) The petitioners will undertake that investigation/trial will not hamper on account of their absence or non-cooperation. They must be available to the police or the court whenever their presence is required.

(iii) The petitioners shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioners have criminal antecedents other than the disclosed one, Ld. court below shall cancel the bail bond of the petitioners after hearing them and getting satisfied that the petitioners have concealed their criminal antecedents despite their knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bond of the petitioners.

Ld. counsel for the petitioners is directed to



remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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