

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58206 of 2022

Arising Out of PS. Case No.-456 Year-2022 Thana- BETTIAH CITY District- West Champaran

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1. Arvind Kumar S/o- Sri Rajendra Yadav R/o Village- Baldiha, P.S.- Jogapatti (Nawalpur), district- West Champaran.
 2. Manohar Yadav S/o- Sri Sikandar Yadav R/o Village- Baldiha, P.S.- Jogapatti (Nawalpur), District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma, Advocate

For the Opposite Party/s : Ms. Renu Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 10-02-2023 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

Petitioners seek bail in a case registered for the offences punishable under Sections 143, 147, 148, 149, 341, 323, 353, 332, 333, 338, 435, 307, 427, 504, 120B, 395 and 412 of the Indian Penal Code, Section 27 of the Arms Act and Sections 3/4 of the Prevention of Damage to Public Property Act, 1984.

According to prosecution case, the informant got information that around 500-700 persons are breaking public property and set fire at railway station and they attacked on police force and caused damaged to the residence of the Hon'ble Ex-Deputy CM, Bihar and to the vehicle of Hon'ble M.L.A.



They also committed loot-pat at the petrol pump, and caused damage to CCTV camera.

Learned counsel for the petitioners submits that petitioners have falsely been implicated in the present case only of the basis of the CCTV footage and their confessional statement made before the police. He further submits that it is quite impossible to identify the members of the mob who are more than 700 in numbers with their names, age and address. He further submits that the police after investigation submitted the charge sheet against the petitioners. The petitioners are in custody since 22.06.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners on the ground that petitioners carries two criminal antecedents other than the present one.

Considering the aforesaid facts and circumstances, let the petitioners, above named, 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 the learned Court below where the case is pending in connection with Bettiah Town P.S. Case No. 456 of 2022, subject to the following conditions:-



1. 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 bond shall be cancelled by the Court below.

2. If the petitioners tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. 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 his criminal antecedent, 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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