

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61218 of 2022

Arising Out of PS. Case No.-107 Year-2022 Thana- SIWAN GRP CASE District- Siwan

Md. Kaif @ Banti Son of Shamsher Ahmad @ Samsir R/O Vill- Dakshin
Tola, Police Station- Siwan Town, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance:

For the Petitioner/s : Mr. Bijay Prakash Singh, Senior Advocate
For the Opposite Party/s : Mr. Shyam Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 20-02-2023 Let the defects, if any, pointed out by the office be removed within three weeks from the date of this order, failing which the matter be listed again under the appropriate heading for necessary action.

Heard learned senior counsel for the petitioner and the learned APP for the State.

Petitioner seeks regular bail in connection with G.R.P. Siwan P.S. Case No. 107 of 2022 registered for the offences punishable under Sections 147, 148, 353, 436 and 427 of the Indian Penal Code and Sections 151, 153, 174 of the Railway Act.

As per the prosecution, the informant alleged that thousands of unknown persons, who were opposing the ‘Agniveer Project’ introduced by Government of India defaced and destroyed the railway’s property at Siwan railway station.

The main submissions advanced by Mr. Bijay Prakash Singh, learned senior counsel for the petitioner are that the petitioner is not named in the FIR and the FIR was registered against one thousand unknown persons and the petitioner's name surfaced during the investigation in the statement of a co-accused person namely, Raju Kumar and the said co-accused has been granted bail by the Court below and during the investigation, any specific role of the petitioner in damaging the railway property was not revealed by any of the witnesses examined during investigation and the Court below rejected the prayer of this petitioner mainly on the ground of petitioner's long criminal antecedents while the petitioner has been acquitted in six cases of his antecedents and in one case chargesheet has been submitted and most of the cases of his antecedents are of minor offences. Further submission is that the petitioner has been languishing in jail since 05.09.2022 and the allegation appearing against the petitioner from the statement of co-accused person is general and omnibus.

Mr. Shyam Kumar Singh, learned APP for the State has opposed the bail prayer.

In view of the facts, as stated above, in my opinion the petitioner deserves to the privilege of bail. Accordingly, let the petitioner named above be enlarged on bail on furnishing bail bond

of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of concerned Court in connection with G.R.P. Siwan P.S. Case No. 107 of 2022.

(Shailendra Singh, J)

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