

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62570 of 2022

Arising Out of PS. Case No.-66 Year-2022 Thana- JEHANABAD RAIL P.S. District- Patna

1. Gopal Kumar S/O Surendra Kumar @ Surendra Kewat R/v- Bijawar, P.S.- Dhanaruwa, District- Patna
2. Ajit Kumar S/o Arjun Prasad R/v- Mallahchak, P.S.- Masaurhi, District- Patna
3. Chandan Kumar S/o Mahendra Singh R/v- Bizawar, Dhanaruwa, District- Patna
4. Krishna Kumar S/o Bulatam Kewat R/v- Seodaha, P.S.- Dhanruwa, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 70025 of 2022

Arising Out of PS. Case No.-66 Year-2022 Thana- JEHANABAD RAIL P.S. District- Patna

Momindra Bind @ Momindra Kumar @ Momindra Vind Son Of Late Surendra Bind R/O Village- Pabheri, P.S.- Dhanarua, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 62570 of 2022)

For the Petitioner/s : Mr. Rudal Singh

For the Opposite Party/s : Mr. Narsingh Tanti

(In CRIMINAL MISCELLANEOUS No. 70025 of 2022)

For the Petitioner/s : Mr. Manisha Prakash

For the Opposite Party/s : Mr. Navin Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 04-01-2023 Both the cases are listed out of turn on account of

the fact that the petitioners have to appear in the Indian

Army Agniveer Examination, 2023.



Heard Ld. counsel for the petitioners and Ld. APP
for the State.

The petitioners seek bail in connection with Sessions Trial No. 1063 of 2022, arising out of Rail P. S. Jehanabad (Taregana) Case No. 66 of 2022, registered for the offences punishable under Sections 147, 148, 149, 186, 447, 341, 323, 325, 307, 332, 333, 337, 338, 353, 380, 427, 435, 436, 506 and 120(B) of the Indian Penal Code; Sections 3 and 4 of the Prevention of Damage to Public Property Act, 1984; Sections 146, 147, 151, 153 and 174 of the Railway Act; and Section 27 of the Arms Act, 1959.

The prosecution story as emerges from the FIR is that on information that the students of Bihar called strike in regard to protest on 18.06.2022 against the Central Government Scheme Agniveer, the informant in order to pacify the situation arrested the petitioners and others as a member of mob.

Ld. counsel for the petitioners submits that the petitioner are innocent and have falsely been implicated in this case. They further submit that the petitioners were



arrested during Agniveer movement. It is very difficult for the police to identify any person in the crowd and the name of the petitioners have been given only on the basis of suspicion. They further submit that investigation in this case is complete and charge-sheet has already been submitted. They also submit that other co-accused persons, namely, Chintu Kumar, Chandan Kumar, Uttam Kumar, Satyam Kumar and Md. Sahid @ Mohammad Shahid Alam, have already been enlarged on bail by a Bench of this Court *vide* order dated 22.12.2022, passed in Cr. Misc. No. 57476 of 2022 and other analogous cases.

They further submit that the petitioners, namely, Gopal Kumar, Ajit Kumar, Chandan Kumar and Krishna Kumar in Cr. Misc. No. 62570 of 2022 have been languishing in jail since 19.06.2022. Whereas, the petitioner, Momindra Bind & Momindra Kumar @ Momindra Vind in Cr. Misc. No. 70025 of 2022 has been languishing in jail since 12.07.2022.

It has also been stated in paragraph no. 3 of the bail petition that the petitioners, namely, Gopal Kumar, Ajit



Kumar, Chandan Kumar and Krishna Kumar in Cr. Misc. No. 62570 of 2022 have three criminal antecedents, but in all those cases, they are on bail. Whereas, the petitioner, Momindra Bind & Momindra Kumar @ Momindra Vind in Cr. Misc. No. 70025 of 2022 has two criminal antecedents but in both the cases he is on bail.

It is also stated in paragraph no. 2 of the bail petitions that the petitioners have never moved before this Court in this matter for grant of anticipatory or regular bail.

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

Considering the aforesaid facts and circumstances, the petitioners, above-named, are directed to be released 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. Additional Sessions Judge-XI, Patna, in connection with Sessions Trial No. 1063 of 2022, arising out of Rail P. S. Jehanabad (Taregana) Case No. 66 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 him 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 bonds 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 bonds of the



petitioners.

The application stands allowed accordingly.

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)

skm/-

U		T	
---	--	---	--

