

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63556 of 2022

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

CHANDRAKESHWAR KUMAR @ CHANDKESHWAR KUMAR SON OF
SATYA NARAYAN SAH @ SATYA NARAYAN PRASAD R/O
MOHALLA- PURANI GUDARI, WARD NO. 06, P.S.- KALIBAGH O.P.,
DISTT.- WEST CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 2587 of 2023

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

RAHUL KUMAR @ RAHUL KUMAR CHANDRAWANSHI @
CHANDRAVANSHI Son of Late Gopal Prasad Chandrawanshi R/V-
Chanayan Bandh, PS- Manjhaulia, Dist- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 3601 of 2023

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

KUNDAN PATEL @ KUNDAN KUMAR Son of Naval Patel @ Nawal
Kishor Prasad R/V- Baswariya P.S- Bettiah Town, Dist- West champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 6726 of 2023

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



BRIJESH KUMAR @ BARJESH KUMAR SON OF JAWAHAR SAH R/O
VILLAGE- AMAITHIA, P.S.- YOGAPATTI, DISTRICT- WEST
CHAMPARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 63556 of 2022)

For the Petitioner/s : Mr. Ashok Kumar Gupta, Advocate

For the Opposite Party/s : Mr. Brajendra Nath Pandey, APP

(In CRIMINAL MISCELLANEOUS No. 2587 of 2023)

For the Petitioner/s : Mrs. Shally Kumari, Advocate

For the Opposite Party/s : Mr. Abhay Kumar, APP

(In CRIMINAL MISCELLANEOUS No. 3601 of 2023)

For the Petitioner/s : Mr. Sanjeev Kumar, Advocate

For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

(In CRIMINAL MISCELLANEOUS No. 6726 of 2023)

For the Petitioner/s : Mr. Shiv Kumar Dwivedy, Advocate

For the Opposite Party/s : Mr. Dr. Ajeet Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 26-04-2023

Heard the parties.

The petitioner is in custody in connection with Bettiah
Town P.S. Case No. 456 of 2022 under Sections 143, 147, 148,
149, 341, 323, 353, 332, 333, 338, 435, 307, 504, 120B, 395 and
412 of the Indian Penal Code and Section 27 of the Arms Act,
lodged on 17.06.2022 by the informant, Md. Mumtaz Alam.

The prosecution story, in brief, is that on 17.06.2022
the informant got a confidential information that some persons
are ransacking the public property and set fire at the Railway
Station along with other police personnel proceeded at the place
of occurrence and saw that approximately 500-700 people there



who also attacked on police force. They further moved towards Supriya Cinema Road, and broke the CCTV cameras in shops and attacked the house of the Deputy Chief Minister, Renu Devi and damaged the vehicles of MLA, Vinay Bihari and further damaged the petrol pump. With the help of C.C.T.V. cameras and local villagers, the accused persons were identified. Accordingly, the FIR.

It has been jointly submitted by the learned counsels for the petitioners that in a zeal to rope in each and every person who were moving, the petitioners have been roped in. So far as Chandrakeshwar Kumar is concerned, his submission is that he is 33 years of age and thus not eligible for '*Agnipath*' employment and has no role to play in the matter.

So far as the other petitioners are concerned, they are between the age group of 18 to 22 years of age and some of them being students of Intermediate and as per the averments made by learned counsels were on way to different places, were made accuseds.

It has been further submitted that while Chandrakeshwar Kumar is in custody since 28.07.2022 (as stated in Paragraph-12 of Cr. Misc. No. 63556 of 2022), Rahul Kumar is in jail since 22.06.2022 (as stated in Paragraph-9 of



Cr. Misc. No. 2587 of 2023), Kundal Patel since 25.08.2022 (as stated in Paragraph-13 of Cr. Misc. No. 3601 of 2023) and Brijesh Kumar since 28.07.2022(as stated in Paragraph-12 of Cr. Misc. No. 6726 of 2023).

Learned counsel for the State opposes the bail stating that they were part of the mob that ransacked properties.

Considering the fact that all the petitioners have remained in custody for more than six months and some of the similar placed co accuseds have been granted bail by co-ordinate Benches in Cr. Misc. No. 55032 of 2022 (Imam Hussain @ Amam Hussain), Cr. Misc. No. 55860 of 2022 (Anand Kumar) Cr. Misc. No. 56625 of 2022 (Abhijeet Kumar), this Court is inclined to grant them the privilege of bail.

Let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of .Chief Judicial Magistrate, West Champaran, Bettiah in connection with Bettiah Town P.S. Case No. 456 of 2022, subject to the following conditions-:

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show his/her *bona fide*;



(ii) the petitioners shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of their bail bonds;

(v) the petitioners shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Alok Verma/-

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