

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70489 of 2023

Arising Out of PS. Case No.-864 Year-2022 Thana- AGAMKUAN District- Patna

1. Neelam Thakur @ Reshmi Thakur wife of Sri Manoj Kumar Thakur Village- Nawada Rajepur Dist- E.Champaran A/P- New ISBT Badi Pahari Ps- Agam Kuan Patna.
2. Siyamani Devi wife of Sri Madan Sharma R/o- Rampur Ps- Ghosi Laklawar Jahanabad-804434
3. Munni Devi wife of Sri Upendra Thakur R/o- Mehusa Road Bypass Sheikhpura-811105

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Miss. Deepali Singh, Advocate Mr. Kumar Avinash, Advocate Ms. Alka Singh, Advocate Mr. Sumit Kumar Singh, Advocate
For the Opposite Party/s	:	Mr. Arun Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 01-11-2023 Heard learned counsel for the petitioners as well as learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Agam Kuan P.S. Case No.864 of 2022, F.I.R. dated 12.11.2022 registered for the offence punishable under Sections 188, 384, 385, 427, 506/34 of the IPC.

3. The prosecution case, in short, is that the construction of Patna Metro Depot 75.945 Acres of area is proposed to be acquired in Mauza-Pahari and Mauza Ranipur. The land measurement work has already been completed. Delhi Metro Rail Corporation is looking after the work of Patna Metro



Depot on deposit terms basis of Patna Metro Rail Corporation. Further vide letter No. 11987 dated 28.09.2022 of District Magistrate, it was directed to fasten the earth filling work in proposed depot land. In this regard the earth filling, survey of ground level work are in progress. In the meantime, the public agitation and protest has escalated in the leadership of Shri Raushan Kumar, Shri Mohan Thakur, Shri Chote Lal, Smt. Neelam Thakur, Manoj Kumar Thakur, Siyamani Devi, Munni Devi, Udit Kumar and Ayodhya Prasad Azad causing serious threat on the security of D.M.R.C. and executing agencies personal, resulting into law and order situated at the work site at New 18BT Patna. On 10.11.2022 some locals have thrown the equipment of the contractor and stopped the work. Therefore, the workers of contractor are in fear and not willing to do the work. Accordingly, the FIR.

4. Learned counsel for the petitioners submit that petitioners have clean antecedent and have falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioners have not committed any offence as alleged in the F.I.R. Further submits that due to action of the petitioners the official of Patna Metro Depot and its employee is in



apprehension that some occurrence may be taken place. He further submits that the present FIR has been instituted only to harass the petitioners and in fact the land in question is subjudice before this Hon'ble Court in CWJC No.4562 of 2022, CWJC No.8427 of 2022.

5. Learned APP for the State, on the other hand vehemently opposed the prayer for anticipatory bail of the petitioners stating that the petitioners have involved in the present occurrence and they have tried to obstacle the work of the metro project.

6. Considering the aforesaid facts, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.,IV, Patna City, Patna in connection with Agam Kuan P.S. Case No.864 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(i) 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 bonds shall be cancelled by the Court below.

(ii) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of their anticipatory bail.

(iii) 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 their criminal antecedents, the court below shall take step for cancellation of anticipatory 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)

Prakash Narayan

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