

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69519 of 2022

Arising Out of PS. Case No.-2 Year-2021 Thana- UNIVERSITY District- Muzaffarpur

Kunal Kumar Son of Dinesh Kumar Thakur R/o Village - Lakhanpur, P.S.-
Katra, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shiva Shankar Sharma, Advocate

For the Opposite Party/s : Mr. Tapeswar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 02-05-2023 Heard learned counsel appearing on behalf of the

petitioner and learned Additional Public Prosecutor appearing

on behalf of the State.

Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

The accused/petitioner is named in the F.I.R. and
apprehend his arrest in connection with University P.S. Case No.
02 of 2021 registered for the offences punishable under Sections
147, 149, 341, 323 and 504 of the Indian Penal Code (in short
'I.P.C.').

The allegation against this petitioner is to raise
slogans and disturb the functioning of Bihar University along
with twelve (12) named co-accused persons and 50-60 unknown
co-accused persons.



Learned counsel appearing on behalf of the petitioner submitted that no specific overt act is attributed to this petitioner and he was a part of peaceful protest against University administration which is his Constitutional Right. It is submitted that as petitioner was student leader, while he was the student of said university he named in present case also without having any occasion and even the maximum allegation is to be the part of mob only. While concluding the argument it is submitted that petitioner found involved in four (04) criminal cases, where he is on bail.

Learned APP for the State opposes the prayer of bail.

Considering the aforesaid facts and circumstances as mentioned above, as no specific overt act is attributed to this petitioner, where allegation appears to be part of mob only, let the above named petitioner, in the event of his arrest or surrender before the court below within a period of four weeks, is directed to be released on bail furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Muzaffarpur East/concerned Court, where the case is pending in connection with University P.S. Case No. 02 of 2021, subject to the conditions as laid down under Section



438(2) of the Cr.P.C. with further conditions:-

“(i) That accused/petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which the State shall be at liberty to move before the learned Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) That accused/petitioner shall cooperate in the trial and shall be physically present on each and every date before the learned Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the learned Trial Court, only on medical ground of the petitioner, duly supported by the documents.

(iii) That one of the bailors shall be deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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