

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67966 of 2022

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

Amish Kumar @ Anish Kumar S/O Satendra Prasad @ Satendra Kumar R/O
Village- Karahara, P.S- Sigori, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Singh

For the Opposite Party/s : Mr. Surendra Kumar

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 10-01-2023 This case is listed for hearing out of turn on account of mentioning that the petitioner is a student of intermediate and his examination is scheduled to commence on 1st Feb. 2023.

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

The petitioner seeks bail in connection with Rail P.S. Jehanabad (Tarengna), Case No.66 of 2022 corresponding to the Sessions Trial No. 1063 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, 120(B) of the Indian



Penal Code and Section 3 and 4 of the Prevention of Damages to Public Property Act, 1984; Section 146/147/151/153/174 of the Railway Act and Section 27 of the Arms Act.

The prosecution story as emerges from the FIR is that on getting information that students of Bihar has called strike for protesting against the Central Government Agniveer Scheme, the informant arrested the petitioner, being part of the mob, in order to maintain law and order.

Ld. counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that co-accused persons, namely, Gopal Kumar, Ajik Kumar, Chandan Kumar and Krishna Kumar have been enlarged on bail by a co-ordinate Bench of this Court vide order dated 04.01.2023 passed in Cr. Misc. No. 62570 of 2022.

He further submits that the petitioner has been languishing in jail since 18.06.2022.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner has earlier been made



accused in one other case.

It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one.

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

Considering the aforesaid facts and circumstances, **this petition is allowed**, directing the petitioner, above-named, to be enlarged on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. Additional Sessions Judge-XI, Patna in connection with Rail P.S. Jehanabad (Tarengna), Case No.66 of 2022 corresponding to the Sessions Trial No. 1063 of 2022 on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the



court whenever his presence is required.

(iii) The petitioner 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 petitioner has criminal antecedents other than the disclosed one, Ld. court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his 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 petitioner.

It is made clear that in case the ground of out of turn hearing as mentioned by Ld. Counsel for the petitioner is found to be false by the Court below on information provided by the informant and the court below getting



satisfied that the ground mentioned for out of turn hearing is false, the court below shall cancel the bail-bonds of the petitioner.

Ld. counsel for the petitioner 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)

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