

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.70323 of 2022**

Arising Out of PS. Case No.-461 Year-2022 Thana- BETTIAH CITY District- West  
Champaran

NITISH KUMAR GUPTA Son of Santosh Kumar Resident of Village -  
Laukariya, P.S.- Bairiya, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

with

**CRIMINAL MISCELLANEOUS No. 72273 of 2022**

Arising Out of PS. Case No.-461 Year-2022 Thana- BETTIAH CITY District- West  
Champaran

KINU KUMAR S/o Jugesar Yadav @ Jugeshvar Yadav R/o- Chaumukha,  
P.S.- Yogapatti, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

with

**CRIMINAL MISCELLANEOUS No. 75373 of 2022**

Arising Out of PS. Case No.-461 Year-2022 Thana- BETTIAH CITY District- West  
Champaran

CHANDAN KUMAR SON OF RUDAL RAUT R/O VILL.- HARDI PATTI,  
P.S.- NAUTAN, DISTT.- WEST CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

**Appearance :**

(In CRIMINAL MISCELLANEOUS No. 70323 of 2022)

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

For the Opposite Party/s : Mr.Rajendra Nath Jha, APP

(In CRIMINAL MISCELLANEOUS No. 72273 of 2022)

For the Petitioner/s : Mr.Bimlesh Kumar Pandey, Adv.

For the Opposite Party/s : Mr.Shyameshwar Dayal, APP

(In CRIMINAL MISCELLANEOUS No. 75373 of 2022)

For the Petitioner/s : Mr.Ram Binod Singh, Adv.

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



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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

2      03-04-2023                      Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners seek bail in a case registered for the offence under Sections 147, 148, 149, 448, 427, 323, 341, 307 and 120(B) of the Indian Penal Code.

The prosecution case in nutshell is that unruly mob of about thousand of people, armed with bamboo, iron rod, bricks stones, attacked on the house of Deputy Chief Minister, caused damage to vehicle, CCTV camera and window panes.

Learned counsel appearing for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case on the basis of so called cctv footage. He further submits that it appears from the F.I.R. altogether thousand accused persons have been implicated in the F.I.R., however, these petitioners have not been named in the F.I.R. He further submits that there is general and omnibus allegation against these petitioners and no specific allegation of assault or any overt act is attributed to them. He further submits that at best it can be said that these



petitioners are non-assailants. Moreover, the co-accused, namely, Arvind Kumar along with Manohar Yadav, have already been granted bail by a co-ordinate Bench of this Court vide order dated 21.02.2023 passed in Cr. Misc. No. 70232 of 2022. The petitioners are rotting in judicial custody since 20.07.2022, 13.07.2022 and 02.07.2022 respectively.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the all petitioners carry two more cases other than the present one.

Considering the facts and circumstances of the case, let the, above named, petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Bettiah Town P.S. Case No. 461 of 2022 with the following conditions:-

(1) 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 bond shall be canceled by the



Court below.

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

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 antecedent, the court below shall take step for cancellation of 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)**

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