

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70543 of 2022

Arising Out of PS. Case No.-153 Year-2022 Thana- KHARIK District- Bhagalpur

Yadav Kumar @ Potia Kumar, Son of Guru Prasad Yadav, Resident of Village
- Bagri, P.S.- Kharik, District - Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sushil Kumar Jha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 29-03-2023 Heard learned counsel for the petitioner and learned
APP for the State.

In the present case, the petitioner seeks bail in connection with Kharik P.S. Case No. 153 of 2022 registered for the alleged offences under Sections 147, 148, 149, 341, 342, 323, 307, 436, 186, 188, 332, 333, 338, 353, 427 and 504 of the Indian Penal Code.

As per prosecution case, the petitioner was allegedly member of a mob which was armed with *lathi* and *danda* and they were agitating against the Government Scheme of Agnipath for recruitment in the Army. The mob damaged the property of Railway and attacked the police party causing a number of injuries to the police personnel. They damaged the police vehicles and the police had to resort to firing in the air to



disperse the mob.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner is not named in the FIR. He has been arrested merely on suspicion. The petitioner was not arrested from the spot and nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner did not participate in the protest against Agnipath Scheme. Charge-sheet has been submitted in this case and the petitioner is in custody since 30.07.2022. The petitioner is having clean antecedent.

Learned APP opposes the prayer for bail.

Having regard to the facts and circumstance and submissions made on behalf of the parties and considering the nature of allegation coupled with the clean antecedent of the petitioner along with his period of custody and submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Naugachia in connection with Kharik P.S. Case No. 153 of 2022, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following



conditions :

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioner will be liable to be cancelled by the court concerned.

V.K.Pandey/-

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(Arun Kumar Jha, J)

