

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.181 of 2023

Arising Out of PS. Case No.-456 Year-2022 Thana- BETTIAH CITY District- West
Champaran

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NITISH KUMAR GUPTA S/o Santosh Kumar R/v- Laukariya, P.S.- Bairiya,
District- West Champaran

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ashok Kumar Gupta, Advocate
For the Opposite Party/s : Mr.Rajendra Nath Jha, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 18-04-2023 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioner seeks bail, who is in custody since
22.06.2022 in connection with Bettiah Town P.S. Case No. 456
of 2022, F.I.R. dated 17.06.2022 registered for the offence
punishable under Sections 143, 147, 148, 149, 341, 323, 353,
332, 333, 338, 435, 307, 504, 120B, 395, 412 of IPC, Section 27
of the Arms Act and Section 3/4 of Prevention of Damage to
Public Property Act, 1984.

As per the prosecution case, 500-700 demonstrators
armed with lathi, rod, iron pipe went towards Railway Station
and started damaging, loot and burning in the engine of train as
well as damage the private vehicles and also committed



misbehave with public shop keepers and other officials by way of pelting stones and attempt to burn the Government vehicles in retaliation of implementation in opposition of a Government Scheme for Agniveer and Agnipath.

Learned counsel appearing for the petitioner submits that the petitioner is accused in two cases, other than the present one, pertaining to same occurrence. Further submits that the petitioner has falsely been implicated in the present case. Further submits that as per FIR, 72 named accused persons and approximately 500-700 unknown people attacked on police force and damaged the public property. Petitioner is not named in the FIR. The name of the petitioner has been transpired on the basis of suspicion and except the suspicion, no other cogent material has come during investigation against the petitioner to suggest the involvement of the petitioner in the present case and the similarly situated co-accused person, namely, Imam Hussain @ Amam Hussain has been granted bail by a Coordinate Bench of this Hon'ble Court vide order dated 30.11.2022 passed in Cr. Misc. No. 55032 of 2022 and several other co-accused persons have already been granted bail by different Coordinate Benches of this Hon'ble Court and the police, after investigation, submitted chargesheet against the



petitioner and the petitioner is in custody since 22.06.2022.

Learned APP for the State has opposed the prayer for bail of the petitioner.

Considering the aforesaid fact, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, West Champaran, Bettiah in connection with Bettiah Town P.S. Case No. 456 of 2022, with the following conditions:-

(1) Petitioner 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 his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

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

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. 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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