

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 71377 of 2022

Arising Out of PS. Case No.-460 Year-2022 Thana- BETTIAH CITY District- West
Champaran

=====

CHHOTU KUMAR @ ABHIRAJ Son of Mukesh Singh @ Mukesh Kumar
Singh Resident of Kapoor Pakdi, Ward No.-13, P.S.- Dhaka, District- East
Champaran

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

=====

with

CRIMINAL MISCELLANEOUS No. 73092 of 2022

Arising Out of PS. Case No.-460 Year-2022 Thana- BETTIAH CITY District- West
Champaran

=====

NAVNEET KUMAR @ NAVNEET KUMAR BHATT S/o Ravibhushan
Sharma @ Ravi Bhushan Sharma R/o- Dudha Mathiya, P.S.- Majhauilya,
District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

=====

with

CRIMINAL MISCELLANEOUS No. 74172 of 2022

Arising Out of PS. Case No.-460 Year-2022 Thana- BETTIAH CITY District- West
Champaran

=====

VIKASH KUMAR Son of Ambika Patel @ Ambika Chaudhary Resident of
Bagaha, P.S.- Laukariya, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

=====

Appearance :
(In CRIMINAL MISCELLANEOUS No. 71377 of 2022)
For the Petitioner/s : Mr.Bimlesh Kumar Pandey
For the Opposite Party/s : Mr.Syed Mojibur Rahman
(In CRIMINAL MISCELLANEOUS No. 73092 of 2022)
For the Petitioner/s : Mr.Bimlesh Kumar Pandey
For the Opposite Party/s : Mr.Murli Dhar



(In CRIMINAL MISCELLANEOUS No. 74172 of 2022)
For the Petitioner/s : Mr.Bimlesh Kumar Pandey
For the Opposite Party/s : Mr.Shailendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 02-03-2023 Cr. Misc. No. 71377 of 2022 is listed for hearing

out of turn on account of mentioning that the case arises out
of Agniveer agitation and the petitioner is to appear in the
examination for the post of Constable (Cook) scheduled on
02.03.2023. The other cases are listed along with Cr. Misc.
No. 71377 of 2022 as analogous cases as they arise out of
same P. S. Case.

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

The petitioners seek bail in connection with Bettiah
Town P. S. Case No. 460 of 2022, registered for the
offences punishable under Sections 147, 148, 149, 341,
323, 338, 395, 427, 435, 412, 120B, 504 and 506 of the
Indian Penal Code.

The prosecution story as emerges from the FIR is
that on information that the students of Bihar called strike in
regard to protest on 17.06.2022 against the Central
Government Scheme Agniveer, the informant in order to



pacify the situation arrested the petitioners and others as a member of mob.

Ld. counsel for the petitioners submits that the petitioner are innocent and have falsely been implicated in this case. He further submits that the petitioners were arrested during Agniveer movement. It is very difficult for the police to identify any person in the crowd and the name of the petitioners have been given only on the basis of suspicion. He further submits that investigation in this case is complete and charge-sheet has already been submitted.

He further submits that the petitioners have been languishing in jail since 11.08.2022.

It has also been stated in paragraph no. 3 of the bail petition that the petitioners have earlier been made accused in four other cases.

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

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



Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioners, above-named, to be enlarged on bail on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of Ld. Chief Judicial Magistrate, West Champaran at Bettiah, in connection with Bettiah Town P. S. Case No. 460 of 2022 on the following conditions:

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

(ii) The petitioners will undertake that investigation/trial will not get hampered on account of their absence or non-cooperation. They must be available to the police or the court whenever their presence is required.

(iii) The petitioners 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 petitioners have criminal antecedents other than the disclosed one, Ld. court below shall cancel the bail bonds of the petitioners after hearing them and getting satisfied that the petitioners have concealed their criminal antecedents despite their 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 petitioners.

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 petitioners 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)

skm/-

U		T	
---	--	---	--

