

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1843 of 2023

Arising Out of PS. Case No.-456 Year-2022 Thana- Bettiah City District- West Champaran

MUKESH KUMAR Son of Jaleshwar Yadav Resident of Ward No.-2, Kharg Pokhariya, Pokharia Kharag, P.S.- Chanpatiya, District- West Champaran, Puraina Gosai, Bihar-845459

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vishal Prasad

For the Opposite Party/s : Mr.Navin Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 28-04-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail, who is in custody since 22.07.2022 in connection with Bettiah Nagar P.S. Case No. 456 of 2022, F.I.R. dated 17.06.2022 for the offences punishable under Sections 143, 147, 148, 149, 341, 323, 353, 332, 333, 338, 435, 436, 307, 427, 504, 120(B), 395, 412 of the Indian Penal Code, Section 27 of the Arms Act and Section 3/4 of the Prevention of Damage to the Public Property Act.

The prosecution case, in short, is that on 17.06.2022 at about 07:00 A.M. the informant got a confidential information that some persons are breaking public property and set fire at Railway Station and when the informant along with other police personnel proceeded at the place of occurrence and



saw that approximately 500-700 people attacked on police force and began to go towards Supria Cinema Road and drop the CCTV camera in shops and attacked the house of Deputy Chief Minister Renu Devi and damaged vehicles of legislative members Vinay Bihari.

Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case. He further submits that it appears from the F.I.R. that there are 72 named persons and around 500-700 are unnamed persons. He further submits that on the basis of CCTV footage the name of the petitioner has been implicated in the present case and no incriminating article has been recovered from the possession of the petitioner. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner in custody since 22.07.2022.

Learned APP for the State has opposed the prayer for bail of the petitioner on the ground that petitioner carries four criminal antecedents other than the present one and he is on bail in Narkatiyaganj Railway P.S. Case No. 230 of 2022 as mentioned in Supplementary Affidavit.

Considering the aforesaid facts and circumstances, 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 the learned VIII Additional Sessions Judge, Bettiah, West Champaran in connection with Bettiah Nagar P.S. Case No. 456 of 2022, subject to 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 absence on two consecutive dates without sufficient reason, his 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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