

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73714 of 2022

Arising Out of PS. Case No.-66 Year-2022 Thana- JEHANABAD RAIL P.S. District- Patna

Md. Ali, Son Of Md. Tukman @ Lukman R/A Kashmirganj, P.S.- Masaurhi,
District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Birendra Narayan Sharma

For the Opposite Party/s : Mr. Anuj Kumar Shrivastava

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 12-01-2023 This case is listed for hearing out of turn on account of mentioning that the case arises out of Agniveer agitation.

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

The petitioner seeks bail in connection with Rail (Taregana) Jehanabad P. S. Case No. 66 of 2022, registered for the offences punishable under Sections 147, 148, 149, 186, 447, 341, 323, 325, 307, 332, 333, 337, 338, 353, 380, 427, 435, 436, 506 and 120(B) of the Indian Penal Code; Sections 3 and 4 of the Prevention of



Damage to Public Property Act, 1984; Sections 146, 147, 151, 153 and 174 of the Railway Act; and Section 27 of the Arms Act, 1959.

The prosecution story as emerges from the FIR is that on information that the students of Bihar called strike in regard to protest on 18.06.2022 against the Central Government Scheme Agniveer, the informant in order to pacify the situation arrested the petitioner 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 petitioner was arrested during Agniveer movement. It is very difficult for the police to identify any person in the crowd and the name of the petitioner has 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 also submits that one of the co-accused persons, namely, Amit Kumar has been enlarged on bail by a co-ordinate Bench of this Court *vide* order dated 09.11.2022, passed in Cr. Misc.



No. 57113 of 2022.

He further submits that the petitioner has been languishing in jail since 18.06.2022.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner has earlier been made accused in three cases, but in all those cases, he is on bail.

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

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

Considering the aforesaid facts and circumstances, this application is allowed, directing the petitioner, above-named, to be enlarged on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. A.C.J.M., Masaurhi, in connection with Rail (Taregana) Jehanabad P. S. Case No. 66 of 2022, on the following conditions:

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



(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner 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 petitioner has criminal antecedents other than the disclosed one, Ld. court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his 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 petitioner.

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 petitioner 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)

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