

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69335 of 2022

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

Prabhat Pandey @ Prabhat Kumar Pandey S/O Bipin Bihari Pandey R/O
Village- Mushari, P.S- Sirisiya O.P (Chanpatia), District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 70373 of 2022

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

Chandrakeshwar @ Chandrakeshwar Kumar Son of Satya Narayan Sah @
Satya Narayan Prasad Resident of Mohalla - Purani Gudari, Ward No.- 06,
P.S.- Kalibagh O.P., District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 70685 of 2022

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

Mukesh Kumar S/o Jaleshwar Yadav R/o Ward No. 2, Kharg Pokhariya,
Pokharia Kharag, P.S.- Chanpatiya, District- West Champaran, Puraina Gosai,
Bihar

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 73493 of 2022

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



Dipu Kumar Son of Mahatma Sah Resident of village - Dhumnagar Sofawa
Tola, Ward No.- 03, P.S.- Nautan, District - West Champaran, Pin - 845438
(Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 75053 of 2022

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

Pawan Kumar Tiwary Son of Jitendra Tiwary Resident of village -
Vishunpura, P.S.- Shikarpur, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 69335 of 2022)

For the Petitioner/s : Mr. Brij Kishor Mishra, Advocate

For the Opposite Party/s : Mr. Parmanand Prasad, APP

(In CRIMINAL MISCELLANEOUS No. 70373 of 2022)

For the Petitioner/s : Mr. Ashok Kumar Gupta, Advocate

For the Opposite Party/s : Ms. Pushpa Sinha.1, APP

(In CRIMINAL MISCELLANEOUS No. 70685 of 2022)

For the Petitioner/s : Mr. Vishal Prasad, Advocate

For the Opposite Party/s : Mr. Chandra Sen Prasad Singh, APP

(In CRIMINAL MISCELLANEOUS No. 73493 of 2022)

For the Petitioner/s : Mr. Apurva Kumar, Advocate

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

(In CRIMINAL MISCELLANEOUS No. 75053 of 2022)

For the Petitioner/s : Mr. Milind Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Dr.Mrityunjaya Kr.Gautam, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 28-03-2023 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioners is permitted to
remove the defect(s), as pointed out by the office, if any, within



a period of four weeks from today.

Petitioners seek bail in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 338, 395, 427, 435, 412, 120(B), 504 and 506 of the Indian Penal Code.

According to prosecution case, about 500 anti-social persons came to the petrol pump of informant to set the pump on fire. It is further alleged that they also looted cash and threatened the informant against lodging the F.I.R.

Learned counsel for the petitioners submits that petitioners have falsely been implicated in the present case. He further submits that the matter relates to Agniveer. He further submits that it appears from the F.I.R. that there is no specific allegation against these petitioners and there is general and omnibus allegation against all the accused persons including these petitioners and only on the basis of CCTV footage, the present false F.I.R. has been instituted against these petitioners. He further submits that the police after investigation submitted the charge sheet against the petitioners. He further submits that similarly situated, co-accused, persons, namely, Chhotu Kumar @ Abhiraj has been granted bail by a Co-ordinate Bench of this Court vide order dated 02.03.2023 passed in Cr. Misc. No.



71377 of 2022 along with other analogous cases. The petitioners are in custody since :-

1) Prabhat Pandey @ Prabhat Kumar Pandey is in custody since 11.08.2022.

2) Chandrakeshwar is in custody since 18.06.2022.

3) Mukesh Kumar is in custody since 11.08.2022.

4) Dipu Kumar is in custody since 11.08.2022.

5) Pawan Kumar Tiwary is in custody since 11.08.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners on the ground that petitioner nos. 1 and 2 carries 4 criminal antecedents, petitioner no. 3 carries 3 criminal antecedents, petitioner no. 4 carries 2 criminal antecedents and petitioner no. 5 carries 3 criminal antecedents other than the present one.

Considering the aforesaid facts and circumstances, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Bettiah Town (Kalibagh O.P.) P.S. Case No. 460 of 2022, subject to the following conditions:-



1. Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

2. If the petitioners 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 petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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)

Vanisha/-

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

