

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74071 of 2022

Arising Out of PS. Case No.-32 Year-2022 Thana- SUGAULI RAIL P.S. District- West
Champaran

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Akram Raza @ Akram Ujjak @ Akray Rajjak S/O Mohammad Sajjad
Hussain @ Md. Sajjad Hussain @ Sajjad Hussain @ Sajjad Alam Resident of
village- Sathi Belwa, P.S.- Sathi, District- West Champarn.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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with
CRIMINAL MISCELLANEOUS No. 801 of 2023
Arising Out of PS. Case No.-32 Year-2022 Thana- SUGAULI RAIL P.S. District- West
Champaran

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Brijesh Kumar @ Barjesh Kumar S/o Jawahar Sah R/o Village- Amaitha,
P.S.- Yogapatti, Distt- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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with
CRIMINAL MISCELLANEOUS No. 1203 of 2023
Arising Out of PS. Case No.-32 Year-2022 Thana- SUGAULI RAIL P.S. District- West
Champaran

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Vinay Padit @ Vinay Pandit S/O Sri Binod Padit Resident of village-
Jogapattti (Shanichari), District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 74071 of 2022)

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Syed Ehteshamuddin, APP

(In CRIMINAL MISCELLANEOUS No. 801 of 2023)

For the Petitioner/s : Mr. Shiv Kumar Dwivedy, Advocate

For the Opposite Party/s : Mr. Renu Kumari, APP

(In CRIMINAL MISCELLANEOUS No. 1203 of 2023)

For the Petitioner/s : Mr. Abhishek Kumar, 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 13-04-2023 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 who are in custody since 15.07.2022 in connection with Sugauli Rail P.S. Case No. 32 of 2022, F.I.R. dated 17.06.2022 for the offences punishable under Sections 147, 148, 149, 353, 337, 338, 435, 379 and 427 of the Indian Penal Code, Section 150, 151, 153 and 74(A) of Railway Act and Section 3/4 of Prevention of damage to public property Act.

According to prosecution case, the petitioners along with other accused persons have damaged the public properties while protesting for Agnipath Sena Bahali.

Learned counsel for the petitioners submits that petitioners have falsely been implicated in the present case on the basis of suspicion and CCTV footage. He further submits that it appears from the F.I.R. that there is no allegation of any assault or overt act 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, namely, Abhijeet Kumar has been granted



bail by a co-ordinate Bench of this Court vide order dated 03.02.2023 passed in Cr. Misc. No. 59539 of 2022, another co-accused, namely, Raj Kishor Kumar has been granted bail by a co-ordinate Bench of this Court vide order dated 08.02.2023 passed in Cr. Misc. No. 61562 of 2022 and co-accused, namely, Kundan Kumar has been granted bail by a co-ordinate Bench of this Court vide order dated 14.12.2022 passed in Cr. Misc. No. 62706 of 2022. The petitioners are in custody since 15.07.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners on the ground that petitioner nos. 1 and 2, namely, Akram Raza @ Akram Ujjak @ Akray Rajjak and Brijesh Kumar @ Barjesh Kumar carries 3 criminal antecedents and petitioner no. 3, namely, Vinay Padit @ Vinay Pandit carries 4 criminal antecedents other than the present one but fairly submits that all the cases are pertinent to the present occurrence.

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 Railway Magistrate, West Champaran at Bettiah in connection with Sugauli Rail P.S. Case No. 32 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)

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