

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3631 of 2023

Arising Out of PS. Case No.-461 Year-2022 Thana- BETTIAH CITY District- West
Champaran

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Shubhash Kumar S/O Suresh Sah Resident of village- Laukariya, Muraghi
Ward No- 2, P.S.- Manua Pool, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Akhileshwar Kumar Shrivastva, Advocate
For the Opposite Party/s : Mr. Dashrath Mehta, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 25-04-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail, who is in custody since
20.07.2022, in connection with Bettiah (Town) P.S. Case No. 461
of 2022, F.I.R. dated 18.06.2022 registered for the offences
punishable under Sections 147, 148, 149, 323, 341, 307, 427,
448, 120(B) of the Indian Penal Code against 1000 unknown
accused persons including the petitioner.

As per the prosecution case, a mob of about thousands
of people, armed with bamboo, iron rod, bricks and stones
attacked the house of the Deputy Chief Minister, caused damage
tod the vehicles, CCTV cameras and window panes.

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 the petitioner is not named in the F.I.R. and the name of the petitioner has been transpired during investigation on the basis of the confessional statement of co-accused and there is no allegation of any assault or overt act attributed against the petitioner. He further submits that similarly situated co-accused persons namely Arvind Kumar & Manohar Yadav have been granted bail by a Coordinate Bench of this Court vide order dated 21.02.2023 passed in Cr. Misc. NO. 70232 of 2022, another co-accused person namely Bikash Kumar @ Vikash Kumar has been granted bail by a Coordinate Bench of this court vide order dated 06.04.2023 passed in Cr. Misc. No. 73746 of 2022 as well as another co-accused person namely Rahul Kumar has been granted bail by a Coordinate Bench of this Court vide order dated 04.03.2023 passed in Cr. Misc. No. 813 of 2023 respectively. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 20.07.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries two more cases pertaining to the same occurrence other than the present one.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two



sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, West Champaran, Bettiah in connection with Bettiah (Town) P.S. Case No. 461 of 2022, G.R. No. 2672 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 witness, 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 antecedents, 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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