

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19120 of 2024

Arising Out of PS. Case No.-210 Year-2022 Thana- RAJAPAKAR District- Vaishali

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Avinash Kumar Son Of Suraj Prasad Ray R/O-Chak Barauna, P.S.-
RAJAPAKAR, Distt.-VAISHALI, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok, Advocate
For the State : Mr. Surendra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 02-04-2024 Heard Mr. Alok Kumar Alok, learned counsel for
the petitioner and Mr. Surendra Kumar, learned Additional
Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Rajapakar (Barauti O.P) P.S. Case No. 210 of
2022, F.I.R. dated 17.06.2022 for the offences punishable under
Sections 147, 149, 341, 323, 332, 333, 353, 427, 188, 504 and
506 of the Indian Penal Code and Sections 151, 152 and 175 of
the Railways Act.

3. According to prosecution case, in the protest of
Agniveer the petitioner was at Sonpur railway station. The
allegation against the petitioner is that he along with others
miscreants damaged and broken railway articles such as board,
bench and chairs. When the police tried to stop them, they
started pelting bricks bats upon them.



4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that from a bare perusal of the FIR it appears that there is no specific allegation of any assault or overt act rather general and omnibus allegation against all the accused named and unknown persons. He further submits that similarly situated other co-accused person, namely, Ranjan Kumar has already been granted anticipatory bail by the Co-ordinate Bench of this Hon'ble Court vide order 30.08.2023 passed in Cr. Misc. No. 56965 of 2023 and other co-accused person, namely, Gautam Kumar @ Gabbar @ Kundan Kumar, has also been granted anticipatory bail by the Co-ordinate Bench of this Hon'ble Court vide order dated 07.07.2023 passed in Cr. Misc. No. 24821 of 2023.

5. The learned Additional Public Prosecutor for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts, the petitioner having clean antecedent, there is no specific allegation of any assault or overt act against the petitioner and other co-accused persons have already been granted anticipatory bail by the different Co-ordinate Benches of this Hon'ble Court, let the



petitioner, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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 Chief Judicial Magistrate-IX, Saran at Chapra in connection with Rajapakar (Baranti) P.S. Case No. 210 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

i. 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.

ii. 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.

iii. 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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