

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62345 of 2024

Arising Out of PS. Case No.-68 Year-2022 Thana- KIUL RAIL P.S. District- Lakhisarai

Tuphan Kumar, S/o Yogi Yadav, R/o Village- Bihraura, P.S.-Ramgarh Chowk,
District-Lakhisarai.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Narsingh Tanti, Advocate

For the Opposite Party/s : Mr. Mohammed Arif, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 13-09-2024 Heard learned counsel for the petitioner and

learned Additional Public Prosecutor for the State.

2. The accused/petitioner is named in the FIR and apprehending his arrest in connection with Kiul Rail P.S. Case No.68 of 2022 registered under Sections 147, 148, 149, 353, 436, 457, 380, 411, 302, 427 of the Indian Penal Code and Sections 150, 151, 152, 145, 146, 147 and 174-A of the Railway Act.

3. As per F.I.R., it is alleged by the informant, who is a Station Master of Lakhisarai Railway Station, that petitioner along with 500 demonstrators mark a procession opposing the "Agniveer" scheme of recruitment with military, announced recently by Government of India and



while demonstrating over the subject resorted to violence, ransack, the coaches and also put several trains on fire, which lead to burning of several coaches of 12368 DN Intercity Express, which was on platform no.2 at the time of occurrence, along with one train coming from Delhi.

4. Learned counsel appearing on behalf of the petitioner submitted that allegation is appearing very much general and omnibus and as petitioner found roaming seen to CCTV footage on platform, he has been implicated in present case without having any basis. It is pointed out that nothing incriminating surfaced during the course of investigation, which may connect this petitioner with present occurrence. While concluding argument, it is submitted that similarly situated co-accused persons, namely, Binod Kumar @ Vinod Kumar and Subhash Kumar respectively have been granted anticipatory bail through Cr. Misc. No.58994 of 2023 dated 18.10.2023. It is also pointed out that similarly situated co-accused namely, Guddu Deva @ Gurudev Kumar has been granted anticipatory bail by learned co-ordinate Bench of this Court vide order dated 18.01.2024 through



Cr. Misc. No.85752 of 2023 and considering the party, the petitioner above-named also deserves to be enlarged on anticipatory bail.

5. Learned APP opposes the prayer of bail for anticipatory bail.

6. Considering the facts and circumstances as mentioned above, as nature of allegation appears very much general and omnibus against this petitioner, accordingly, the petitioner, above-named, is directed to be released on bail, in the event of his arrest or surrender in the court below within a period of four weeks, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Railway Judicial Magistrate, Kiul in connection with Kiul Rail P.S. Case No.68 of 2022, subject to the conditions as laid down under Section 438(2) of the CrPC/under Section 482(2) of the BNSS.

(Chandra Shekhar Jha, J.)

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