

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85752 of 2023

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

Guddu Deva @ Gurudev Kumar Son Of Mahesh Yadav Resident Of Village-
Bihraura, P.S. Ramgarh Chowk, District- Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 18-01-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

02. In the present case, the petitioner is apprehending his arrest in connection with Kiul Rail P.S. Case No. 68 of 2022 registered for the alleged offence under Sections 147, 148, 149, 353, 436, 457, 380, 411, 302, 427 of the Indian Penal Code and Section 150, 151, 152, 145, 146, 147, 174(A) of Railway Act.

03. As per prosecution case, towards implementation of 'Agnipath' Scheme of the Government for entry into the Armed forces, agitators numbering about 500 attacked Lakhisarai Railway Station and set on fire the trains and damaged the Railway property. The mob swelled to 1,000 people and it also looted a number of articles. The petitioner was named in the F.I.R. for being involved in the occurrence.



04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The instant F.I.R. has been lodged against 45 named persons and the petitioner is one of them. But, no overt act has been attributed to this petitioner and no specific allegation has been levelled against him. No recovery has been made from the petitioner. Learned counsel further submits that for the same occurrence, another F.I.R. has been registered vide R.P.F. Kiul P.S. Case No. 03/2022 against 45 named persons including the petitioner and 1000 unknown persons. It appears that for the same occurrence, two FIRs have been instituted. The co-accused persons, namely, Binod Kumar @ Vinod Kumar and Subhash Kumar, respectively, have been granted anticipatory bail by a Co-ordinate Bench of this Court vide order dated 18.10.2023 passed in Criminal Misc. No. 58994 of 2023 and the case of the petitioner stands on similar footing. The petitioner is law abiding students and he has also been made accused in R.P.F. Kiul P.S. Case No. 03/2022 for the same occurrence.

05. Learned A.P.P. for the State opposes the prayer for anticipatory bail. Learned APP submits that it appears the petitioner is also an accused in R.P.F. Kiul P.S. Case No. 03/2022 for the same offence and no specific averment has been



made in the instant F.I.R. against him.

06. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the general and vague nature of allegation against the petitioner, let the petitioner, above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand Only) with two sureties of the like amount each to the satisfaction of learned Railway Judicial Magistrate, Kiul/concerned court in connection with Kiul Rail P.S. Case No. 68 of 2022, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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