

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84440 of 2023

Arising Out of PS. Case No.-142 Year-2022 Thana- MOHIUDDIN NAGAR District-
Samastipur

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Chikku @ Chikku Kumar @ Sushil Yadav SON OF MUNNA RAI @
MUNNA YADAV @ UMESH RAY Village Tanra, P.S. Mohiuddin Nagar,
Dist. Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bijay Bhushan Prasad, Advocate

For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 18-01-2024 Heard Mr. Bijay Bhushan Prasad, learned counsel

for the petitioner and Mr. Bhanu Pratap Singh, learned APP for

the State.

2. The petitioner is apprehending his arrest
connection with Mohiuddin Nagar P.S. Case No. 142 of 2022,
F.I.R. dated 17.06.2022 registered for the offences punishable
under Sections 147, 149, 341, 342, 323, 324, 307, 353, 332,
333, 337, 338, 427, 436, 188, 379, 380, 506/34 of the Indian
Penal Code.

3. As per the F.I.R. fourteen accused persons named
in the F.I.R. including the petitioner along with 250-275
unknown persons assembled near Mohiuddin Nagar Railway
Police Station, Samastipur, set ablaze the train which was



standing at the Platform No. 3 and when the police party intervened, they attacked on the police party causing injury to the police personnel. All the persons were protesting against the Government scheme for recruitment of Agniveer in the Indian Army.

4. 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 from perusal of the F.I.R. it appears that the petitioner has been made accused in the present case on the basis that some persons have identified the petitioner and it also appears from the F.I.R. that there is no specific allegation of any assault and the petitioner has been made accused in this case along with 250-275 unknown persons merely on the basis that some persons have identified the person but from perusal of the F.I.R. they have not disclosed the name of the person who has disclosed the name of the petitioner and apart from that other co-accused person namely Pintu Kumar Ray has been granted the privilege of anticipatory bail by a Coordinate bench of this Court vide order dated 06.09.2023 passed in Cr. Misc. No. 45854 of 2023.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner on the ground that the



petitioner carries two more cases other than the present one but fairly submits on the basis of paragraph-3 of the petition that the petitioner is on bail in both the pending matters.

6. Considering the facts and circumstances of the case, let the petitioner, above named, in the event of his 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/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Samastipur in connection with Mohiuddin Nagar P.S. Case No. 142 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other 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 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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