

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82008 of 2024

Arising out of PS. Case No.-58 Year-2023 Thana- GANDHIMAIDAN District- Patna

Kumar Anubhav @ Swaransh @ Abhinav @ Guddu, S/o Rajiv Singh @ Ra-
jeev Kumar, R/o village- Payen, P.S- Sheikhpura, Distt.- Sheikhpura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 90227 of 2024

Arising out of PS. Case No.-58 Year-2023 Thana- GANDHIMAIDAN District- Patna

Naman Kumar @ Bholu Sharma, Son of Deepak Kumar, Resident of Village-
Okari, P.S.- Okari (O.P.), Ghoshi, District- Jehanabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 82008 of 2024)
For the Petitioner/s : Mr. Ramji Kumar, Advocate
Mr. Pratik Kumar, Advocate
For the informant : Mr. Sudhir Kumar, Advocate
Mr. Vinay Singh, Advocate
For the State : Mrs. Pushpa Sinha, APP
(In CRIMINAL MISCELLANEOUS No. 90227 of 2024)
For the Petitioner/s : Mr. Raj Krishna Jha, Advocate
For the informant : Mr. Sudhir Kumar, Advocate
Mr. Vinay Singh, Advocate
For the State : Mr. Jai Narain Thakur, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

5 01-05-2025 Heard learned counsel for the petitioners, learned

counsel for the informant and learned Additional Public Prose-

cutor for the state.

2. The petitioners seek bail in connection with Gandhi



Maidan P.S. Case No. 58 of 2023 instituted for the offences under Sections 188, 302, 353, 427, 504, 506 and 120(B) of the Indian Penal Code, Sections 3/4 of the Prevention of Damage to Public Property Act, 1984 and Sections 25(1-B) a, 26, 27 and 35 of the Arms Act.

3. The allegation as per the FIR is that around 100 persons were moving with the procession and in a planned manner under criminal conspiracy the named accused persons including the petitioner is said to have resorted to indiscriminate firing resulting in death of one, namely Dhananjay Kumar.

4. It is submitted by learned counsel for the petitioners that no such incident as has been stated in the FIR has occurred and the petitioners have falsely been implicated in this case and the allegation is of general and omnibus nature and nothing specific has been attributed towards the petitioners. It is further submitted by learned counsel for the petitioners that no incriminating article has been recovered from the possession of the petitioners. It is also submitted by learned counsel for the petitioners that similarly situated co-accused persons Sahil Raj @ Sahil Raj Sharma @ Tissue *vide* order dated 24.03.2023 passed in Cr. Misc. No. 32903 of 2023 and Bipul Kumar *vide* order dated 21.04.2025 passed in Cr. Misc. No. 18526 of 2025 have been



granted bail by Co-ordinate Benches of this Court. It is lastly submitted by learned counsel for the petitioners that the petitioners are students and they are in custody since 16.03.2024 and 10.09.2024 respectively.

5. Learned counsel for the informant as well as learned Additional Public Prosecutor for the State have vehemently opposed the prayer for bail of the petitioners and have submitted that the petitioners along with others had resorted to indiscriminate firing resulting in causing of death and, hence, they should not be let off.

6. Considering the aforesaid submissions of respective counsels and taking into account the fact that the allegations are of general and omnibus nature and also on consideration of the fact that the similarly situated co-accused persons Sahil Raj @ Sahil Raj Sharma @ Tissue *vide* order dated 24.03.2023 passed in Cr. Misc. No. 32903 of 2023 and Bipul Kumar *vide* order dated 21.04.2025 passed in Cr. Misc. No. 18526 of 2025 have been granted bail by Co-ordinate Benches of this Court and also that the petitioners are students and they are in custody since 16.03.2024 and 10.09.2024 respectively, the petitioners above named, are directed to be released on bail on furnishing bail-bonds of Rs. 10,000/- (Rupees Ten Thousand) each with



two sureties of the like amount each to the satisfaction of the learned Sub-divisional Judicial Magistrate, Patna in connection with Gandhi Maidan P.S. Case No. 58 of 2023, subject to the the undertaking as well as the following conditions which were imposed *vide* order dated 24.08.2023 passed in Cr. Misc. No. 32903:-

(i) Petitioners shall not be part of any procession relating to immersion of the idols henceforth;

(ii) as a token gesture, as the deceased was also student, they would like to pay sum of Rs. 25,000/- each to his family members through demand draft in the name of his father issued by the local State Bank of India to be deposited with the concerned Court.

(iii) one of the bailors should be the family member of the petitioners who shall provide official document to show their bona fide;

(iv) the petitioners shall appear on each and every date before the Trial court and failure to do so for two consecutive dates with-



out plausible reason will entail cancellation of their bail bonds by the Trial court itself;

(v) the petitioners shall appear before the concerned police station every fortnight for next six months to mark attendance;

(vi) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(vii) the petitioners shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Sourendra Pandey, J)

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