

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13149 of 2022**

Arising Out of PS. Case No.-7 Year-2022 Thana- DARBHANGA RAIL P.S. District-
Samastipur

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1. Akhilesh Pandey @ Akhilesh Pandit Son Of Mahendra Pandit R/O Village- Ahkta, P.S.- Suppi, District- Sitamarhi, Bihar, 843351
 2. Lalit Kumar Son Of Ramekwal Sahni R/O- Nonahi,P.S.- Parihar, District- Sitamarhi, Bihar, 843324
 3. Bhavesh Kumar Son Of Kamaldev Sah Region- Sonbarsa, Village- Jaynagar, Jinagar, Sitamarhi, Bihar-843317
 4. Mithun Kumar Sharma Son Of Ram Prit Sharma R/O- Ward No.-4, Kohwarba, Sonbarsa, Sitamarhi, Bihar, 843330
 5. Shashi Ranjan Kumar Son Of Birendra Ray R/O- Bhadian, Sitamarhi, Bihar- 843333.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kumar Shanu, ADvocate

For the Opposite Party/s : Mr. Anil Kumar Singh No. 1, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

4 28-04-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioners and learned APP for the State.

Petitioners seek bail in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 337, 338, 307, 427, 353 of the Indian Penal Code and Section 27 of the Arms Act and Section 174(A) of the Railway Act.



As per prosecution case, in brief, is that on 25.01.2022 at 11:45 A.M. the alleged crowd including the petitioners armed with weapons came at the Sitamarhi Railway Station in huge numbers and blocked the freight train (Malgadi) standing near Gumti No. 56. According to police officers and other Government officials, when they tried to convince the crowd to leave the railway track the crowd became violent and started throwing stones on them in which the Police Officers A.S.I. Ramanand Singh, Pramod Upadhyay, Ashok Kumar Singh gotr injured and engine of the train got damaged. It is further been alleged that the police while chasing the protesters had to fire 2-3 rounds to control the crowd and arrested 13 protesters including the petitioners.

Learned counsel for the petitioners submit that the petitioners have clean antecedents and they have been falsely implicated in the present case. In fact, the petitioners are named in the F.I.R. but there is no specific allegation of overt act against the petitioners and there is general and omnibus allegation against the petitioners and the petitioner no. 1 is in custody since 28.01.2022 and petitioner nos. 2 to 5 are in custody since 26.01.2022.

Learned APP for the State has opposed the prayer for



bail of the petitioner.

Considering the facts and circumstances of the case, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Rail Darbhanga (Sitamarhi) P.S. Case No. 07 of 2022, with the following conditions :-

(1) Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(2) If the petitioners tamper 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 petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. 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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