

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39578 of 2015

Arising Out of PS.Case No. -33 Year- 2013 Thana -CHANAN District- LAKHISARAI

1. Ganesh Kora Son of Guru Kora, Resident of Village - Kanmoh, P.S. -
Kajra, District - Lakhisarai.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.39717 of 2015

Arising Out of PS.Case No. -33 Year- 2013 Thana -CHANAN District- LAKHISARAI

1. Jaldhar Kora, Son of- Mahabir Kora, Resident of Village- Kanimoh, P.S.-
Kajra, District- Lakhisarai.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.39578 of 2015)

For the Petitioner : Mr. Parmanand Pd. Nr. Sahi

For the State : Mrs. Renu Kumari, A.P.P.

(In Cr.Misc. No.39717 of 2015)

For the Petitioner : Mr. Parmanand Pd. Nr. Sahi

For the State : Mr. C.Jawahar,A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 12-10-2015 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners are in custody in a case registered
under Sections 147, 148, 149, 302,307,120(B) of the Indian Penal
Code, Section 27 of Arms Act, 3 /4 of Explosive Substance Act.
Sections 150, 151, 152 of Railways Act and Section 16/18(B)/20

of Unlawful Activities(Prevention) Act, 1967.

It is alleged by the informant that he along with four constables was escorting the train from Jamui Railway station and when the Train No. 13331 UP (Dhanbad- Patna) reached at Kunder Halt, in the meantime A.C.P.(Vacume) was done. The informant and one constable Manish Kumar Singh R.P.F. were in the sleeper coach. Other constables were in another bogie. It is alleged that constable Sukhnath Devnath was surrounded by 10-12 miscreants. The miscreants also snatched away AK-47 from the hand of the informant. One miscreants also started firing upon the informant from AK-47. It is also alleged that the miscreants were about 100 in which male or female members were present there. The miscreants started firing and passengers, who were sitting in the train, also sustained injuries. The miscreants also thrown the bomb upon the passengers and constables. Constable Sukhnath Devnath sustained fire arm injury and died on the spot. One Sub Inspector also sustained fire arm injuries. He also died on the spot. One Sarwar Islam, who was also the passenger in the train sustained fire arm injury and died on the spot. The guard of the train also sustained fire arm injury. The miscreants also snatched away Idnsas of the constables.

It is submitted on behalf of the petitioners that the

petitioners are in custody since 23.11.2014. Charge sheet has been submitted in this case. There is no allegation of tampering with the evidence against the petitioners. The petitioners are not named in the FIR. On the basis of confessional statement of co-accused the petitioners have been falsely implicated in the present case. It is also submitted that other co-accused have been granted bail vide Cr. Misc. No. 10900 of 2015 and Cr. Misc. No. 15496 of 2015, Cr. Misc. No. 15668 of 2015 and Cr. Misc. No., 51504 of 2014.

On behalf of the State, it has been submitted that the petitioners are not named in the FIR. The names of the petitioners have come in course of investigation.

Considering the facts aforesaid, let above named petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Railway Magistrate, Kiul, Lakhisarai, in Chanan P.S. Case No. 33 of 2013.

(Sudhir Singh, J)

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