

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.18424 of 2016

Arising Out of PS.Case No. -21 Year- 2015 Thana -KHAGARIA GRP CASE District- KHAGARIA

1. Chhotelal Poddar @ Chhotu Poddar, Son of Brahmedeo Poddar @ Barun Poddar, Resident of Mohalla- D.S. College Road, Kadampur, Poince Station- Katihar (Town), District- Katihar.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Awadhesh Kumar Mishra, Advocate

For the Opposite Party/s : Mr. M.Rab(App)

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 29-06-2016 Heard learned counsel for the petitioner and the learned
A.P.P. for the State.

The petitioner is languishing in jail custody since
23.02.2016 in a case registered for offences punishable under
Sections 461, 382, 411, 307, 353/34 of the I.P.C.

The prosecution case is that on the given date and
time, the informant, who is police officer along with others were
escorting the Amrapali Express Train and when the train departed
from Kharik Station a vacuum in the train was done and when the
informant and others proceeded towards the engine in the torch
light they saw that some miscreants have broken the lock of
parcel boggy and have thrown ten bundles on the ground and in

the torch light they saw six to seven persons fleeing away and when the miscreants were asked to stop they started firing upon the police party and in return the police also opened fire and the miscreants managed to escape.

It has been submitted by the learned counsel for the petitioner that he has not been named in the F.I.R. and has been falsely implicated in the aforesaid case. He further submits that no T. I. P. has been done as well as no incriminating article has been recovered from the possession of the petitioner.

Learned counsel for the petitioner further submits that the investigation is going on and some other co-accused have been granted the privilege of bail by a Co-ordinate Bench of this Court vide Cr. Misc. No. 20805 of 2016 and Cr. Misc. No. 17406 of 2016.

However, learned A.P.P. for the State submits that although the petitioner is not named in the F.I.R. but his involvement in the present case sprang up during course of investigation, hence opposes the prayer for bail.

Be that as it may, since other co-accused have been granted privilege of bail, let the above named petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the

satisfaction of the learned Railway Judicial Magistrate, khagaria in connection with Naugachhia P.S.Case No. 21 of 2015.

However, since the petitioner has seven cases pending against him, this order is being passed with the condition that the petitioner will appear before the police/Court as and when required and failure to appear on the required dated without any reason will entail cancellation of his bail bonds by the learned Court below.

(Nilu Agrawal, J)

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