

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39417 of 2016

Arising Out of PS.Case No. -103 Year- 2016 Thana -PATNA GRP CASE District- PATNA

Sanjiv Kumar, S/O Ramashish Ram, R/O village- Pakhawan, P.S. -
Sakurabad, Dist. -Jehanabad,Bihar

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance:

For the Petitioner/s : Mr. Sorbhdra Kumar Singh, Adv.
Mrs. Tulika Singh, Adv.

For the Opposite Party/s : Mr. Satyadev Prasad Singh Yadav, APP

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

3 18-10-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

In this case, the petitioner is seeking regular bail in
connection with Patna Junction Government Rail P.S. Case
No.103 of 2016, registered for the offence punishable under
Sections 394 and 302 of the Indian Penal Code.

As per the FIR, the victim was coming from the
train and when the said train reached to Kathpul station some
miscreants aged between 14 to 17 years entered into the
compartment and started robbing the passengers. One of the
miscreants pumped the dragger into the buttock of the victim
and snatched Rs.3,500/- including Micromax mobile. The



accused persons inflicted injuries to different passengers including the victim and on account of the injury one passenger had died. After committing train robbery, all the accused persons left the compartment. During the investigation the Police found that the petitioner was using the mobile of the victim and from his possession the said mobile has been recovered.

Paragraph No.43 of the case diary reflects that the present petitioner during interrogation has stated that he has purchased the said mobile from one Amit and Golu in a consideration amount of Rs.800/-, which was corroborated by the evidence of two staffs of the Hotel in which the petitioner was also employed.

Learned counsel for the petitioner submits that the petitioner has purchased the said mobile from one Amit and Golu, having no knowledge about the fact that the said mobile was subject matter of this case. He further submits that all the accused persons were alleged to have been aged between 14 to 17 years, whereas the age of the petitioner is 40 years, which itself indicates that there is a little bit chance that the petitioner is involved in the offence.

Having considered the facts and circumstances of the case, let the petitioner-Sanjiv Kumar, be released on bail on furnishing bail bonds of Rs.10, 000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Railway Judicial Magistrate, Patna in connection with Patna Junction Government Rail P.S. Case No. 103 of 2016, subject to the conditions that:-

(i) one of the bailors will be a close relative of the petitioner i.e. mother/father/ wife/son of the petitioner;

(ii) if the petitioner is found involved in similar type of case in future, the prosecution will be at liberty to make prayer for cancellation of his bail and the Court below will pass necessary order, including cancellation of bail and;

(iii) that the petitioner would participate in the court proceeding and in the event of being absent on two consecutive dates without reasonable explanation, the court below will be at liberty to cancel the bail bonds of the petitioner.

(Shivaji Pandey, J)

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