

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55681 of 2015

Arising Out of PS.Case No. -12 Year- 2012 Thana -WEST CHAMPARAN GRP CASE
District- WEST CHAMPARAN(BETTIAH)

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Shane Elahi @ Bachcha Babu, son of Mukhtar Alam, resident of Village-
Bara Parewa, Ward No. 17, P.S.- Raxaul, District- East Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner : Mr. Umashankar Prasad, Advocate.
Mr. Binod Kumar Mishra, Advocate
For the S t a t e : Mr. Umeshlal Verma (APP)
For the Informant : Mr. Dhananjay Kumar, Advocate

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

5 04-05-2016 Heard learned counsel for the petitioner and the

learned counsel for the informant as well as the learned counsel

appearing on behalf of the State.

The petitioner is apprehending his arrest in connection

with Raxaul Rail P.S. Case No.12 of 2012 (Tr. No.888 of

2015) for allegedly having committed the offence under

Sections 302 and 120B of the Indian Penal Code.

Learned counsel for the petitioner submits that in the

aforementioned case, the petitioner is the informant and not the

accused of the case. It is further submitted that while the matter

was pending before the concerned Railway Magistrate, certain

orders were passed, which necessitated the petitioner to come to

this Court for quashing of the warrant issued against him.

In the said case, case diary was called for and vide order dated 6.12.2013 passed in Cr.Misc. No.47258 of 2013, it has been directed that no coercive steps shall be taken against the petitioner in connection Rail Raxaul P.S. Case No.12 of 2012. Learned counsel for the petitioner submits that subsequent to the passing of the order, the petitioner has been chargesheeted and is now facing fresh apprehension, which has necessitated the petitioner to file the present application under Section 438 Cr.P.C.

It is submitted on behalf of the petitioner that the petitioner is the informant in the said case and the main accused persons are not being proceeded against whereas the petitioner along with others have been chargesheeted. Out of the said chargesheeted persons, three persons have moved this Court. One of the said persons, one Lal Babu, who was so chargesheeted along with two others, has been extended the privilege of anticipatory bail, vide order dated 16.3.2016 passed in Cr.Misc. No.57296 of 2015. It is submitted that though there is no evidence against the petitioner, yet the petitioner is being prosecuted solely on the basis of suspicion.

Having regard to the facts and circumstances of the

case and that the petitioner has come under fresh apprehension of arrest and because the petitioner has got no criminal antecedents, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, 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 learned Railway Judicial Magistrate, Railway Court, Bettiah, West Champaran, in connection with Raxaul Rail P.S. Case No.12 of 2012 (Tr. No.888 of 2015), subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anjana Mishra, J)

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