

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51471 of 2015

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1. Kameshwar Yadav son of Bigan Yadav resident of Vill- Karma Bigha,
P.S.- Jamhoor Dist- Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Pandey

For the Opposite Party/s : Mr. Ram Bachan Singh (App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

6 03-05-2016

Heard the learned counsel for the petitioner as well as

the learned A.P.P for the State.

The petitioner seeks bail in a case for the offences punishable under sections 109, 113, 114, 115, 302, 325, 440 and 120B/34 of the I.P.C and sections 147 and 150 of the Indian Railways Act.

The case has been registered against unknown in connection with derailment of Rajdhani Express near Rafiganj Railway Station. During investigation the name of the petitioner transpires in the confessional statement of other co-accused.

Submission is of false implication and that without any material charge sheet has been submitted against the petitioner only on suspicion, other co-accused, namely, Sudarshan Yadav,

Arun Yadav, Naresh Yadav and Nanhak Yadav @ Jayendra Yadav have already been allowed bail and the petitioner is suffering in custody since 13.06.2015.

The learned A.P.P. submits that the petitioner has got criminal antecedent and charge sheet was submitted against him on 05.10.2007 showing him as absconder.

In the facts and circumstances as stated above, considering that other co-accused have been allowed bail and further considering detention of the petitioner at this stage, he is directed to 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 Judicial Magistrate (Railway), Gaya in Sonenagar Rail P.S. Case No. 04 of 2006, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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