

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30972 of 2017

Arising Out of PS.Case No. -134 Year- 2017 Thana -PATNA GRP CASE District- PATNA

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Raj Kumar Mahto, Son of Shivilal Mahto, Resident of Village- Maniyarpur,
P.S.- Kalyanpur, District- Samastipur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Ranjeet Kumar, Advocate.
Mr. Kundan Kumar, Advocate.

For the Opposite Party/s : Mr. Lalan Kumar, APP.

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**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**
ORAL ORDER

2 06-07-2017 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in Patna Rail P.S. Case No.
134 of 2017 registered under Sections 186, 201, 353, 506 and
120B of the Indian Penal Code, 66A(a)(b)(c) of the I.T. Act 2000
and Section 150(E) of the Railway Act, 1989, Section 3(2e) of the
public Property Prevention to Damage Act, 1984.

The petitioner along with three other accused
persons are said to have sent hoax messages for blowing the Patna
Junction Railway Station, thereby creating stampede on the
station. The petitioner is said to have used the mobile through
which the message was sent taking it from one Neelam Devi.



It is submitted by learned counsel for the petitioner that nothing incriminating article has been recovered from the conscious physical possession of the petitioner. He has no concern with the aforesaid occurrence. As a matter of fact, the SIM used for sending the message was in the name of one Sushil Kumar who has handed over to Neelam Devi for use. Sarpanch Hari Shankar Bhagat was having animosity with Sushil Kumar and in order to falsely implicate him, he has got the message sent through the said SIM by co-accused Izharul Haq. The aforesaid fact is evident from the confessional statement of the co-accused Izharul Haq itself. The said mobile was not recovered from the possession of the petitioner rather from Sarpanch Hari Shankar Bhagat. The petitioner has been languishing in custody since 16.03.2017.

Considering the facts aforesaid, the above named petitioner is directed to be enlarged 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 Magistrate, Patna in connection with Patna Rail P.S. Case No. 134 of 2017.

(Prakash Chandra Jaiswal, J)

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