

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15510 of 2018

Arising Out of PS. Case No.-129 Year-2017 Thana- CHAPRA RAIL P.S. District- Saran

Shamsher Khan @ Doctor, Son of Firoz Khan, Resident of Mohalla- Nai
Bazar, Police Station- Bhagwan Bazar, District- Saran.

... .. Petitioner

Versus

The State of Bihar.

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Vijay Kumar Srivastva, Adv.
For the Opposite Party/s : Mrs. Meena Singh, APP.

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 16-04-2018 Heard learned counsels for the petitioner and State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 401 and 414/34 of the IPC.

The prosecution case, as per the written report of Suman Prasad Singh, Sub-Inspector of Police submitted to the A.C.J.M., Railway Court, Sonapur is to the effect that on 14.12.2017, at 9.30 P.M., an information was received that some miscreants are planning to commit theft at Chhapra Railway Station platform, when the raid was laid and on chase two persons were apprehended who disclosed their names as Durga Kumar and Biswas Dhangar. The apprehended accused persons also disclosed the names of six other persons including the petitioner. On search, from the apprehended accused Durga



Prasad, one knife was recovered and from the possession of Biswas Dhangar, one blade and one mobile were recovered.

It is submitted by learned counsel for the petitioner the petitioner's name also does not appear in the column 7 of the FIR. Though, the petitioner is accused in two other cases, being Sonapur Rail P.S. Case No. 35 of 2013 and Chapra Rail P.S. Case No. 08 of 2013, but in Chapra Rail P.S. Case No. 08 of 2013, the petitioner has been acquitted vide judgment dated 18.06.2016, passed in S. Tr. No. 52 of 2013, and in Sonapur Rail P.S. Case No. 35 of 2013, he has been granted bail.

It is further submitted that even assuming the accusation, no offence under Sections 401 and 414 of the IPC is made out against the petitioner.

Learned APP submits that the name of the petitioner sprang up on the confession of apprehended co-accused.

Considering the fact that petitioner's name sprang up on the confession of co-accused and his name does not appear in column 7 of the FIR, let the above named petitioner be released on provisional anticipatory bail for six months in the event of arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of like amount each to



the satisfaction of learned Additional Chief Judicial Magistrate,
Railway Sonepur, Saran at Chapra in connection with Chapra
Rail P.S. Case No. 129 of 2017, subject to the condition as laid
down under Section 438(2) of the Cr. P.C.

The provisional bail of the petitioner will be
confirmed by the learned Court below within a period of six
months if the petitioner does not get involved in any other
offence of similar nature and after obtaining a report from the
concerned police station with regard to good behaviour of the
petitioner.

(Dinesh Kumar Singh, J)

Amrendra/-

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