

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.9738 of 2019**

Arising Out of PS. Case No.-24 Year-2018 Thana- JEHANABAD RAIL P.S. District- Gaya

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Pintu Kumar, aged about 39 years, Male S/o Vinay Ram, Resident of Village -Kevtar, P.S-Makhdumpur, District-Jehanabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Vinod Kumar

For the Opposite Party/s : Mr. Arun Kumar Singh

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**  
**ORAL ORDER**

2      19-02-2019                      Heard leaned counsel for the petitioner and  
learned APP for the State.

The petitioner is languishing in custody since 03.12.2018 in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 307, 379 and 504 of the Indian Penal Code.

The prosecution case is that the informant, being a judicial officer posted at Sitamarhi had come to Gaya for the purpose of his personal work and on 16.04.2018 at 7.30 P.M., he boarded on Patna-Gaya Passenger train as soon as he entered into a bogie of the train, a towel was lying on the berth, but the informant sat on said berth. As soon as the train started running, a person came and claimed that berth, but the informant told him to sit on the berth, but the person started abusing the



informant, whereupon, the family members of the aforementioned person conveyed to the informant that he is mentally abraded person. It is further alleged that as the train reached at Makhadumpur Railway Station, 10-15 persons entered into the bogie and started assaulting the informant, causing severe injuries. Consequently, the accused persons tried to drag the informant out of the train, but the co-passengers saved him. It is further alleged that the accused persons snatched away his mobile phone. Thereafter, the FIR was registered against 10-15 unknown persons, but one of the co-passenger made video of that incident through his mobile phone and on the basis of that video footage, two persons were apprehended, who disclosed the name of other accused persons including the petitioner.

It is submitted by learned counsel for the petitioner that there is no recovery from the conscious physical possession of the petitioner nor the petitioner has been put on T.I. parade till date. It is further submitted that similarly situated co-accused have been granted regular bail and anticipatory bail by different Co-ordinate Benches of this Court vide Cr. Misc No.41300, 54953 and 58436 of 2018. A statement has been made in paragraph no. 3 of the petition that the petitioner is not having



any criminal antecedent.

Learned APP for the State submits that the name of the petitioner sprang up during confessional statement of co-accused persons.

Considering the fact that the impugned order has been passed after going through the case diary but it does not suggest any recovery from the conscious physical possession of the petitioner or the petitioner has not been put on T.I. parade and similarly situated co-accused persons have been granted regular and anticipatory bail by different Co-ordinate benches of this Court, coupled with statement made in paragraph no. 3 of the petition that the petitioner is not having any criminal antecedent let the above named petitioner 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 **Judicial Railway Magistrate, Gaya** in connection with **Jehanbad Rail P.S. Case No.24 of 2018.**

**(Dinesh Kumar Singh, J)**

Deepak/Rahul/-

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