

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33025 of 2019

Arising Out of PS. Case No.-4 Year-2013 Thana- SUGAULI RAIL P.S. District- West
Champaran

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REYAJ ANSARI @ REYAJ ALAM @ SUNNY, aged about 33 years, Male,
Son of Akhtar Ansari @ Akhtar Alam, Resident of Village-Darpa,
Bahadurpur, P.S.- Darpa, Dist.- East Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr.Madhubala Verma, Advocate.
For the Opposite Party : Mr.Choubey Jawahar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

5 20-09-2019 Learned counsel for the petitioner is permitted to

make necessary correction in paragraph no. 14 of the bail

application, in course of the day.

Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks bail in a case for the offence
registered under Sections 396, 397, 412, 414 and 216(A) of the
IPC.

The prosecution story, in brief, is that on 17.01.2013
the informant alongwith his two friends, namely, Anup Kumar
Wari and Ajay Kumar Gupta boarded in a Train from Bagaha
Railway Station for going to Muzaffarpur. As soon as the Train
passed after Outer Signal, 7-8 unknown criminals sitting in the



Train, demanded dues money from another passenger, namely, Damodar Prasad Gupta. On refusal, they assaulted him with slap and belt. When his brother Chandra Bhushan Prasad Gupta alias Shashi Bhushan Prasad Gupta came to rescue him, one of the miscreants fired upon him. As a result of which, both brothers sustained injuries. They also took Rs. 70,000/- from Damodar Prasad Gupta. They also fired upon the informant causing injuries and took Rs. 1,000/- and Mobile from the informant as well as from other 10-12 passengers. Thereafter, they got down from the Train after vacuum before reaching *Semra Railway Station* and fled away in the field. Thereafter, Anup and Ajay admitted the informant, Chandra Bhushan Gupta alias Shashi Bhushan Gupta and Damodar Prasad Gupta at Sadar Hospital, Motihari where Chandra Bhushan Gupta alias Shashi Bhushan Gupta died in course of treatment and treatment of Damodar Prasad Gupta was going on in the said Hospital but Anup and Ajay took the informant from Motihari and admitted him at P.M.C.H., Patna for treatment.

It has been submitted by learned counsel for the petitioner that the petitioner is languishing in custody since 18.09.2018. The petitioner has falsely been implicated in the present case. Charge sheet has been submitted in the present



case. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner is not named in the F.I.R. The name of the petitioner has come in course of investigation on confession of co-accused. Except for this, there is no substantive evidence to suggest the implication of the petitioner in the present case.

On behalf of the State, it is submitted that the petitioner is not named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Railway Judicial Magistrate, Bettiah, West Champaran, in connection with Sugauli G.R. P.S. Case No. 04 of 2013.

(Sudhir Singh, J)

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