

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63551 of 2019

Arising Out of PS. Case No.-64 Year-2019 Thana- JEHANABAD RAIL P.S. District- Gaya

CHANDAN KUMAR Son of Rajaballam Yadav Resident of Village-
Barbatta, P.S.- Kako, District- Jehanabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kulanand Jha

For the Opposite Party/s : Mr.Syed Mojibur Rahman

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 29-11-2019 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner has been in custody since 03.07.2019 in connection with Jehanabad Rail P.S. Case No. 64 of 2019 registered for the offence punishable under Sections 356/302/411/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the only allegation against this petitioner is that a battery which was of the mobile-phone belonging to the deceased, was found with the petitioner. Learned counsel for the petitioner submits that neither was he travelling in the train nor was he in any way connected or known to the deceased. It is further submitted that it is the allegation against the petitioner that he may have tried to snatch the mobile phone of the deceased also stands falsified



by the statement made by the other independent witness in the case diary who is a daily vegetable vendor and was travelling in the train. It is submitted by learned counsel for the petitioner that in paragraph No. 10 and 11 of the case diary that it has come clearly that the deceased was standing near the door-way of the train and had fallen down and she has created *Hulla* that the boy had fallen down. There is no statement by the independent witness to the effect that the mobile-phone of the deceased was being snatched by anyone as a result whereof he fell down from the train. It is further submitted that the petitioner has no concern whatsoever with the occurrence and the police has given finding in paragraph No. 27 of the case diary wherein it has been categorically stated that the occurrence was, but an accident.

Considering the aforementioned facts and circumstances and there being no further cogent material against the petitioner in the case diary and the statement as made out in other paragraphs by an independent witness being to the effect that the deceased had fallen down from the train and also since the petitioner has got a fair antecedent, 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 learned Judicial Magistrate, Rail,
Gaya, in connection with Jehanabad Rail P.S. Case No. 64 of
2019.

(Anjana Mishra, J)

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