

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79839 of 2019

Arising Out of PS. Case No.-83 Year-2019 Thana- BAKHTIYARPUR RAIL P.S. District-
Patna

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RAJIV KUMAR YADAV Son of Rampravesh Gope @ Rampravesh Yadav
Resident of Village- Baso Bagi, P.S.- Barh, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Arun

For the Opposite Party/s : Mr.Atul Chandra

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 05-12-2019 Heard the learned counsel for the petitioner and

the learned A.P.P. for the State.

This is an application for grant of anticipatory bail
in connection with Rail (Bakhtiarpur) PS case no. 83 of 2019
registered for the offences punishable under Sections 147, 148,
149, 427, 323 of Indian Penal Code, 27 of Arms Act and
141/152 of Railways Act.

The allegation is regarding the train in question
having come to a stand still at the place of occurrence,
whereupon it is alleged that unknown accused persons had
engaged in stone pelting and thereafter, there was exchange of
firing between the police and the accused persons, however no
one is said to have been injured. During the course of
investigation, it has been found that gang of miscreants was



engaged in stopping the train at various places for the purposes of unloading illicit liquor. During the course of further investigation, the name of the petitioner is said to have transpired and it is alleged that he was also one of the accomplice of the accused persons who had created commotion at the railway station.

The learned counsel for the petitioner submits that neither the petitioner has been identified at the time of occurrence by the police personnel nor any recovery of incriminating articles have been made from the possession of the petitioner nor the petitioner is having any criminal antecedent and the fact is that he has been falsely implicated in the present case, upon confessional statement made by the co-accused persons arrested and interrogated during the course of investigation.

Having regard to the facts and circumstances of the case, I deem it fit and appropriate to admit the petitioner to the privilege of anticipatory bail. Accordingly, the abovenamed petitioner, in the event of his arrest or surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, is directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs.



Ten thousand) with two sureties of the like amount each to the satisfaction of learned Railway Judicial Magistrate, Patna in connection with Rail (Bakhtiarpur) PS case no. 83 of 2019 subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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