

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.5925 of 2020**

Arising Out of PS. Case No.-162 Year-2019 Thana- DARBHANGA RAIL P.S. District-
Samastipur

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1. JOKHAN @ VISHNU Son of Late Ganaour Mahto Resident of Mohalla - Lakshmi Sagar, P.S.- University, Distt - Darbhanga.
 2. Guddu Kumar Son of Kailash Paswan Resident of Mohalla - Lakshmi Sagar, P.S.- University, Distt - Darbhanga.
 3. Shashi Kumar @ Sachiv Kumar @ Sachiv Kumar Paswan Son of Bisheshwar Paswan Resident of Mohalla - Lakshmi Sagar, P.S.- University, Distt - Darbhanga.
 4. Rahul @ Rahul Kumar Son of Late Anil Paswan Resident of Mohalla - Lakshmi Sagar, P.S.- University, Distt - Darbhanga.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Abhay Shankar Singh,Advocate

For the Opposite Party/s : Mr.Akhileshwar Dayal,APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

4 22-09-2020 Heard learned counsel for the petitioners and Mr. Akhileshwar Dayal, learned APP for the State.

At the outset, Mr. Abhay Shankar Singh, learned counsel for the petitioners informed this Court that two days back petitioner no. 4 Rahul @ Rahul Kumar met an accident and has died. Learned counsel, therefore, submits that this application as regards petitioner no. 4 has become infructuous. This Court, therefore, records that this application on behalf of Rahul @ Rahul Kumar son of late Anil Paswan (petitioner no. 4) has become infructuous and is not pressed on his behalf.



As regards petitioner nos. 1 to 3 learned counsel submits that their names have transpired in the confessional statement of one Sanjay Kumar Mandal @ Mangla whom the police is said to have arrested on suspicion and extracted a confessional statement against him. It is submitted that in course of investigation no independent witness has identified these petitioners near the railway boggie which was damaged and nothing incriminating has been recovered from possession of the petitioners.

It is submitted that they have been made accused in this case only on mere suspicion. These petitioners have got no criminal antecedent.

Mr. Akhileshwar Dayal, learned APP for the State has though opposed the prayer for anticipatory bail of the petitioner nos. 1 to 3 but considering the submissions noted hereinabove that the petitioner nos. 1 to 3 have not been identified by any independent witness near railway boggie and no incriminating article has been recovered from their possession and their names have transpired in the confessional statement of the co-accused as also that these petitioners have no criminal antecedent, let the petitioners above-named in the event of their arrest or surrender within four weeks from today, be released on bail on furnishing



of bail bonds of Rs. 25,000/- (Twenty Five Thousand only) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Railway, Samastipur in connection with GRP/DBG (Darbhanga Rail) P.S. Case No. 162 of 2019, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

