

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11814 of 2020

Arising Out of PS. Case No.-117 Year-2019 Thana- JAMALPUR RAIL P.S. District-
Lakhisarai

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Gopal Kumar Son of Bindeshri Das Resident of Mustfa Chak, Jankinagar,
P.S.-Naya Ramnagar, District-Munger.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ashok Kumar Jha, Advocate

For the Opposite Party/s : Mr.Awadhesh Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 25-08-2020 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

The petitioner has filed the instant application for grant of anticipatory bail apprehending his arrest in connection with Rail Jamalpur P.S. Case no. 117 of 2019 registered under sections 394 and 411 of the Indian Penal Code and section 27 of the Arms Act.

As per allegation in the FIR, it is stated by the informant that while he along with others had gone to deliver vehicle and were returning with Rs. 4 lacs in cash besides the other amount, the accused persons got into the train where he was sleeping and on the informant showing some resistance, one of the accused fired from his pistol. Thereafter it is stated that



they took away the bag containing cash and on the train slowing down they jumped from the train with the intention to escape. It is stated that as soon as they left the train, hulla was raised by the informant and others as a result of which one of the accused persons was caught by the general public, beaten up and besides the money an illegal arm was also recovered from his possession. He disclosed his name as Sonu Kumar.

It is submitted by learned counsel for the petitioner that the petitioner is not named in the FIR and his name transpired in course of investigation on the alleged confessional statement of the aforesaid Sonu Kumar made before the police. It is submitted that even in the said confessional statement no role or any overt act has been alleged against the petitioner. No incriminating article has been recovered from the possession of the petitioner. The petitioner has no criminal antecedent.

The application for bail is opposed by learned counsel for the State.

The case diary called for in the case has been received.

Having heard learned counsel for the parties and taking into consideration the fact that the petitioner was not apprehended at the spot, no incriminating article was recovered



from his possession nor does he have any criminal antecedent, the Court is inclined to enlarge the petitioner on anticipatory bail. The petitioner is directed to surrender in the Court below within a period of eight weeks from today and in the event of his arrest or surrender in connection with Rail P.S Jamalpur Case no. 117 of 2019 he will be enlarged 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 Railway Judicial Magistrate, Kiul subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Partha Sarthy, J)

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