

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15331 of 2020

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

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Shubham Singh @ Shubham Kumar @ Subham Kumar, Male, aged about 20 years, S/o Sanjay Singh @ Sanay Kumar Singh, Resident of Sahri Barh, P.S.- Barh, Distt- Patna.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma

For the Opposite Party/s : Mr.Zainul Abedin

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 11-09-2020 Heard learned counsel for the petitioner and Mr. Zainul Abedin, learned Additional P.P. through video conferencing.

The petitioner apprehends his arrest in Bakhtiyarpur (Barh) Rail P.S. Case No.83 of 2019, registered under Sections 147, 148, 149, 427, 353 of the Indian Penal Code and 27 of the Arms Act and under Sections 141 and 152 of the Railway Act.

The gist of the allegation alleged by the informant is that the train was stopped and some unknown persons started pelting stones. The accused persons also made firing. The police also resorted to firing but no one was injured.

Learned counsel for the petitioner submits that the FIR is lodged against unknown. The petitioner was not identified at the time of occurrence by the police personnel nor anything was recovered from possession of the petitioner. Name of the petitioner surfaced in the case during the course of investigation in the confessional statement of co-accused.



Similarly situated co-accused, namely, Rajiv Kumar Yadav has already been granted anticipatory bail by a co-ordinate Bench of this Court vide order dated 05.12.2019, passed in Cr. Misc. No.79839 of 2019. The case of the petitioner stands on the same footing.

It appears that the petitioner is not named in the FIR. Name of the petitioner and others surfaced in the case during the course of investigation. The petitioner has got no criminal antecedent and similarly situated co-accused, namely, Rajiv Kumar Yadav has already been granted anticipatory bail by a co-ordinate Bench of this Court.

Taking into consideration the facts aforesaid, let petitioner, above named, in the event of his arrest or surrender before the court below within a period of six weeks from the date of receipt of the order, 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 the learned R.J.M., Patna in connection with Bakhtiyarpur (Barh) Rail P.S. Case No.83 of 2019, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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