

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.19546 of 2020**

Arising Out of PS. Case No.-251 Year-2019 Thana- SIWAN RAIL P.S. District- Saran

BIMAL KUMAR VERMA Son of Vir Bahadur Verma Resident of Village -  
Laxmipur, P.S.- Nagar, District - Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Mukesh Kumar Singh

For the Opposite Party/s : Mr.Humayou Ahmad Khan

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA  
ORAL ORDER**

3      26-08-2020                      Heard Mr. Mukesh Kumar Singh, learned counsel for  
  
the petitioner and Md. Humayou Ahmad Khan, learned A.P.P.  
  
for the State through Video Conferencing.

The petitioner seeks bail in Siwan Rail P.S. Case  
No.251 of 2019 registered under Sections 382 and 34 of the  
Indian Penal Code.

The informant, maternal grandfather of the victim,  
alleged that on 24.11.2019, his grandson(Rohit Kumar) was  
returning to his village from Maurya Express after taking  
coaching from Siwan. He was standing near the gate of the train  
and talking with his mobile but three persons assaulted his  
grandson on account of which his grandson fell down from the  
running train and his mobile also fell down from the train. The  
informant further disclosed that by photographs, the victim



identified the petitioner and the persons who assaulted him in order to snatch his mobile and on account of which, he fell down from the train.

The learned counsel for the petitioner submits that occurrence took place on 24.11.2019 but the F.I.R. was lodged on 02.12.2019 only after eight days of the occurrence. It is further submitted that there is no explanation for such inordinate delay for lodging the case. Similarly situated co-accused Bikash Kumar has already been granted bail by a co-ordinate Bench of this Court vide order passed in Cr. Misc. No.18434 of 2020 and the case of the petitioner stands on the same footing, therefore, the petitioner also deserves bail.

Learned A.P.P. opposed the prayer for bail.

Having heard both sides and on perusal of the case diary, it appears that informant was not accompanying his grandson in the train. When his grandson was fell down from the running train and got injury, he was brought to Hospital. Only thereafter, the informant came to see his grandson. His grandson after having got consciousness identified the petitioner and two others after showing their photographs and disclosed that petitioner and two others assaulted him in order to snatch his mobile on account of which he fell down from the running



train. The victim got grievous injury on the head on account of fall from the train but it is sheer dereliction of duty on the part of the police officer that the case is registered only under Section 382 I.P.C. although it was an attempt to kill the victim by pushing him from the running train.

Of course, one of the co-accused has been granted bail by a co-ordinate Bench of this Court but after perusal of the facts of the present case, it appears that petitioner and two other persons were duly identified by the victim, who got grievous injury on his head on account of fall from the running train. It further appears that the petitioner and others firstly tried to snatch his mobile by assaulting him and in such scuffle, he fell down from the running train. Thus, I am of the view that the offence is very serious in nature as a student was pushed outside the running train only to snatch his mobile.

Taking into consideration the facts aforesaid, I am not inclined to enlarge the petitioner on bail. Accordingly, the same is rejected.

**(Prabhat Kumar Jha, J)**

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