

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19547 of 2020

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

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BISHAL KUMAR @ VISHAL KUMAR, aged about 20 years (Male), Son of Hiranman Sah, R/O Mohalla - Hanumant Nagar, Laxmipur, P.S. - Town, Dist. - Siwan, At Present R/O Vill. - Koiladeva Bazar, P.S.- Phulwaria, Dist.- Gopalganj.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr.Rajeev Ranjan No.II, Advocate
For the Opposite Party : Mr. Ashok Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 23-11-2020 Due to COVID-19 Pandemic, the matter is being taken up by way of virtual Court proceeding.

The matter has been listed under the heading 'For Orders' under the orders of Hon'ble the Chief Justice.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner seeks bail in a case for the offence registered under Sections 382/34 of the I.P.C.

The prosecution story, in brief, is that on 24.11.2019 the grand-son (*Nati*) of the informant, namely, Rohit Kumar, was returning his home by 'Maurya Express' from Siwan to Daraunda and was standing near the gate of the Train and was talking over his Mobile Phone then Bimal Kumar Verma, Vishal



Kumar (petitioner) and Bikash Kumar hit over the hand of Rohit Kumar by Danda and his Mobile Phone was dropped from his hand and he also fell down due to sudden strike by the miscreants from the running train and received head injury. He was admitted in a private hospital at Patna. After one week, he identified the petitioner and others by seeing their photographs which was sent by his Mobile Phone.

It has been submitted by learned counsel for the petitioner that the petitioner is in custody since 06.12.2019. Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. General and omnibus allegation has been made against the petitioner. No specific overt act is alleged against the petitioner. Other co-accused Bikash Kumar has been granted bail by another Co-ordinate Bench of this Court vide Cr. Misc. No. 18434 of 2020 under order dated 11.06.2020.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is named in the F.I.R.

Considering the facts and circumstances of the case, the petitioner above named, is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two



sureties of the like amount each to the satisfaction of the learned
A.C.J.M. (Railway), Sonapur (Saran), in connection with Siwan
Rail P.S. Case No. 251/2019.

(Sudhir Singh, J)

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