

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27939 of 2020

Arising Out of PS. Case No.-161 Year-2019 Thana- BAKHTIYARPUR RAIL P.S. District-
Patna

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RAHUL KUMAR Son of Ajay Paswan Resident of Village - Aadarsh Nagar,
Bichho Pokhar, P.S.- Sultanganj, District - Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Amrendra Kumar
For the Opposite Party/s : Mr.Aslam Ansari, APP.

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

5 02-12-2020 As of now the Courts have not resumed normal physical hearing, the matter has been listed today for consideration through Video Conferencing.

The learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual court proceedings from their homes, all with the aid of audio visual technology.

Mr. Aslam Ansari, APP is appearing for the State as it is submitted that the brief has been allotted to him by the office of Advocate General.

Heard learned Counsel for the petitioner and the learned Counsel for the State.

This Court would expect that the petitioner's Counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioner seeks bail in GRP Bakhtiarpur (Barh) PS Case No. 161 of 2019 registered under Sections 307, 353, 504, 414 of the IPC, Sections 25(1-b)a/26/35 of the Arms Act and Sections 145, 147, 152 of Railway Act.

The FIR has been lodged by the police personnel. It is alleged that the petitioner has been found in suspicious circumstances on the Railway platform along with some other accused persons and has fled away on seeing the police party. One other co-accused from



the said assembly has also fired upon the police.

It is submitted by learned Counsel for the petitioner that since 21.10.2019 the petitioner is in custody. He has one criminal antecedent and that also for the offence under Section 375 IPC in which he is on bail. Two mobile phones and two cartridges were recovered from the petitioner even as per prosecution case and it is not the petitioner who has fired upon the police party.

Learned APP has opposed the prayer for bail.

Considering the rival submissions as also the facts and circumstances of the case, prayer for bail of the petitioner is allowed.

Let the petitioner above named 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 Railway Judicial Magistrate, Patna in GRP Bakhtiarpur (Barh) PS Case No. 161 of 2019 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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