

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7971 of 2020

Arising Out of PS. Case No.-138 Year-2018 Thana- PATNA RAIL P.S. District- Patna

AMIT KUMAR S/o Vijay Sankar Prasad Resident of Village- Chandraura,
P.S.- Kako, Dist- Jehanabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Samir Kumar

For the Opposite Party/s : Mr.Pramod Kumar Pandey

**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA**

ORAL ORDER

3 08-06-2020 Heard Samir Kumar, learned counsel appearing for the petitioner as well as Pramod Kumar Pandey, learned Additional Public Prosecutor for the State through video conferencing.

Petitioner seeks bail in connection with Patna Junction Rail P.S. Case No. 138 of 2018 registered for the offences punishable under Section 396 and, later on, added Section 302 of the Indian Penal Code .

Petitioner is not named in the first information report and the name of petitioner has come in confessional statement of co-accused.

Learned counsel appearing for petitioner submits that except confessional statement of co-accused and two criminal antecedents which has been incorporated at paragraph 202 of the case diary, there appears to be nothing against the petitioner.



Learned counsel of the petitioner, further, submits at the time of filing of this petition, the petitioner was not aware about the cases which have been incorporated at paragraph 202 of the case diary and that was the reason the petitioner failed to give description of aforesaid cases at paragraph 3 of the petition. He, further, submitted that, having more or less similar allegation, one co-accused Prakash Kumar @ Bahaduri has already been granted privilege of bail by a coordinate Bench of this Court.

The perusal of impugned order passed by learned Additional Sessions Judge IV, Patna goes to show that the learned Additional Sessions Judge IV, Patna committed error on the record mentioning in the impugned order that the petitioner is named in the first information report. Moreover, I find that the learned Additional Sessions Judge IV, Patna, did not take pain to go through the case diary and rejected the bail prayer of the petitioner only on the ground that the petitioner was shown absconder by the police.

Considering the aforesaid facts and circumstances as well as submissions of the parties, let the petitioner, above named, be released 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 Additional Chief Judicial



Magistrate, Railway, Patna/concerned court in connection with
Patna Junction Rail P.S. Case No. 138/2018.

(Hemant Kumar Srivastava, J)

Spd/-

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