

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21841 of 2020

Arising Out of PS. Case No.-33 Year-2013 Thana- CHANAN District- Lakhisarai

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FANTUSH YADAV @ FANTUSH DAS Son of Kailash Das Resident of
Village - Singhaul, P.S.- Kajara, District - Lakhisarai.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Adv.

For the Opposite Party/s : Mr. Ram Naresh Roy, APP

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

6 22-01-2021 Heard Mr. Rajesh Kumar, learned counsel for the

petitioner and Mr. Ram Naresh Roy, Additional Public

Prosecutor for the State.

2. Petitioner seeks regular bail in connection with
Chanan PS Case No. 33/2013 registered for the offence
punishable under Sections 147, 148, 149, 302, 307, 120(B) of
the IPC, under Section 27 of the Arms Act, under Section 3/4 of
the Explosive Substance Act, under Sections 150, 151, 152 of
the Railways Act, and under Section 16/18(B)/20 of Unlawful
Activities (Prevention) Act, 1967.

3. The allegation, as per First Information Report, is
that about 100 miscreants surrounded the train (Train No. 13331
UP (Dhanbad Patna Intercity) at Kund Halt and started
indiscriminate firing due to which two constables and a



passenger died on the spot and one sub-inspector sustained fire-arm injury. It has also been alleged that 3 rifles and cartridges have also been snatched from the informant-police personnel.

4. Learned counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and he has falsely been implicated in this case on the basis of confessional statement made by co-accused Birendra Kora and Karelal Yadav. Learned counsel further submits that co-accused, persons, namely, Dinesh Yadav vide Cr. Misc. No. 51504/2014, Karelal Yadav @ Pyarelal Kora vide Cr. Misc. No. 10900/2015, Sanjay Sharma vide Cr. Misc. No. 15496/2015, Adhik Yadav vide Cr. Misc. No. 15668/2015, Rina Kora @ Renua @ Renma vide Cr. Misc. No. 49487/2015, Birendra Kora vide Cr. Misc. No. 54764/2015, Manoj Kora @ Monoj Koda vide Cr. Misc. No. 8388/2016, Bablu Tuddu vide Cr. Misc. No. 3133/2017, Gopal Yadav vide Cr. Misc. No. 12462/2018, Mano Yadav vide Cr. Misc. No. 43139/2017, Binod Paswan vide Cr. Misc. No. 65506/2018 and Dhanraj Kora @ Fulo Kora vide Cr. Misc. No. 75833/2019 have been granted bail by different benches of this Court.

5. Learned counsel further submits that petitioner was remanded in this case on 19.12.2019 and since then he is in



custody. Learned counsel further submits that charge-sheet has already been submitted this case and there is no apprehension that petitioner will abscond or will tamper with the evidence, if he is released on bail.

6. Having regard to the submissions made by the parties and taking into consideration the material on record and the fact that similarly situated co-accused persons have been granted bail by this Court and charge-sheet has already been submitted in this case and there is no apprehension that petitioner will abscond or will tamper with the evidence, I am inclined to grant regular bail to the petitioner subject to the conditions that (1) petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below and (2) both the bailors shall be residents of territorial jurisdiction of the learned court below.

7. Accordingly, let the petitioner, FANTUSH YADAV @ FANTUSH DAS 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 Railway



Judicial Magistrate, Kiul, Lakhisarai in connection with Chanan
PS Case No. 33/2013

8. It is made clear that at the time of furnishing bail
bonds all the parties shall follow the guidelines of social
distancing.

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(Anil Kumar Sinha, J)

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