

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2007 of 2022

Arising Out of PS. Case No.-34 Year-2021 Thana- JEHANABAD RAIL P.S. District- Gaya

Dharmvir Kumar, Son of Ganauri Bind, Resident of Village- Devsi, Khanda
Milki Par, P.S.- Kalpa, District- Jehanabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pritish Kumar Lal, Advocate

For the Opposite Party/s : Mr. Shantanu Kumar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 26-09-2022 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Pritish Kumar Lal, learned counsel for the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Jehanabad Rail P.S. Case No. 34 of 2021 registered for the offences punishable under Sections 395, 397 and 412 of the Indian Penal Code.

The prosecution case, in nut shell, is that on 13.08.2021 while the informant and others were coming on a train, some unknown criminals, who were already standing on both sides of train, started pelting stones and they also looted numbers of passengers' mobile from different bogies.

Learned counsel appearing on behalf of the petitioner



submits that the F.I.R. has been instituted against unknown miscreants. However, during the course of investigation three mobile phones were recovered from the possession of the petitioner and on the basis thereof his name has been implicated in this case and his confessional statement was recorded. He further submits that mobile phones, which were recovered from the possession of the petitioner do not tally with the mobile phones, which were said to have been snatched or looted from the passengers of the train and moreover the mobile phones, which are said to have been recovered from the petitioner, have never been put on Test Identification parade. He lastly submits that the petitioner, having fair antecedent, is in custody since 22.08.2021 and the investigation of the crime is already completed and the charge-sheet has been submitted.

On the other hand learned APP for the State vehemently opposes the bail application and submits that mobile phones have been recovered from the possession of the petitioner.

Regard being had to the submissions made on behalf of the parties and considering the fact that the mobile phones, which are said to have been recovered from the possession of the petitioner, have not been put on TIP and moreover the



petitioner, having fair antecedent, is in custody since 22.08.2021, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Railway Judicial Magistrate, Gaya in connection with Railway Patna-Jehanabad P.S. Case No. 34 of 2021, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain physically present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

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(Harish Kumar, J)

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