

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20735 of 2022

Arising Out of PS. Case No.-97 Year-2018 Thana- JHAJHA RAIL P.S. District- Lakhisarai

Rajesh Paswan @ Lulha, Son of Late Rameshwar Hajra @ Rameshwar
Paswan R/O- Village- Algadi Palniyatri, P.S.- Simultala, District- Jamui

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar

For the Opposite Party/s : Mr. Nitya Nand Tiwary

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 13-09-2022 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with G.R.P.
Jhajha P.S. Case No. 97 of 2018, registered for the offences
punishable under Sections 395 of the Indian Penal Code.

The prosecution case as emerges from the FIR is
that some unknown accused persons having looted money
and mobile phones from the travellers of A.C. Compartment
of the Patliputra Express Train.

The learned counsel for the petitioner submits that
the petitioner is innocent and has falsely been implicated in
this case. He further submits that investigation in this case is



complete and charge-sheet has already been submitted. He also submits that the only case against the petitioner is that he has allegedly confessed his guilt before the police which has no evidentiary value as per the law. He further submits that there is neither recovery of any looted articles from the conscious possession of the petitioner nor was conducted any TIP.

The petitioner has been languishing in jail since 25.12.2020.

It is also stated in paragraph no. 2 of the petition that the petitioner has never moved before this Court for grant of anticipatory bail or regular bail.

It has further been stated in paragraph no. 3 of the petition that the petitioner has earlier been made accused in eight more cases, namely, Rail Jhajha P.S. Case No. 20 of 2010, Rail Jhajha P.S. Case No. 30 of 2010, Rail Jhajha P.S. Case No. 66 of 2014, Rail Jhajha P.S. Case No. 97 of 2018, Jamui P.S. Case No. 21 of 2021, Jasidih Rail P.S. Case No. 18 of 2014, Jasidih Rail P.S. Case No. 35 of 2009 and Jasidih Rail P.S. Case No. 111 of 2002.



However, the learned APP for the State vehemently opposes the prayer for bail.

Considering the aforesaid facts and circumstances, the petitioner, above-named, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Ld. A.C.J.M. Rly/Kiul in District of Lakhisarai, in connection with G.R.P. Jhajha P.S. Case No. 97 of 2018, on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.



(iv) In case, it is brought to the notice of the court below that the petitioner has criminal antecedent other than the disclosed one, the learned court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.

The application stands allowed accordingly.

The learned counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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