

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32266 of 2022

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

Sudarshan Kumar Paswan @ Jataha, Son of Arvind Prasad, Resident of
village- Bairamchak, P.S.- Masaurhi, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manish Kumar No.2, Advocate

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 26-09-2022 At the outset, learned counsel for the petitioner files supplementary affidavit stating therein that on account of inadvertence in para. 3 of the application, the correct position with regard to criminal antecedent of the petitioner could not be mentioned. However, having come to know about the criminal antecedent, the present supplementary affidavit has been filed stating therein that the petitioner is named in six cases, besides the present one. He also seeks permission to make necessary correction in para 1 of the application wherein in place of Section 397 of the Indian Penal Code, it has wrongly been typed as 937 Indian Penal Code.

Permission is accorded.

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. Manish Kumar No.2, 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 one Dharamveer was apprehended and he disclosed the name of two persons, namely, Rajo @ Pintu and the petitioner and said Pintu Kumar has already been granted bail by the learned court below itself, whereas the bail of the petitioner was rejected on the ground of his complicity in other criminal cases. He further submits that even during the course of investigation, no incriminating material has been recovered from the person or



possession of the petitioner and moreover, the petitioner is in custody since 09.09.2021, but till date he has not been put on Test Identification Parade. While concluding his submission, learned counsel lastly submits that the petitioner is named in six other cases, however, he is on bail in all the cases.

On the other hand learned APP for the State vehemently opposes the bail application and submits that the petitioner has multiple criminal antecedents.

Regard being had to the submissions made on behalf of the parties and considering the fact that the name of the petitioner surfaced on the confessional statement of co-accused persons and no incriminating material has been recovered nor any evidence has come, which shows the complicity of the petitioner in the present crime, save and except the criminal antecedent, 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 Rail P.S. Jehanabad 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.

(v) The court below shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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