

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54233 of 2021

Arising Out of PS. Case No.-21 Year-2021 Thana- SONPUR RAIL P.S. District- Saran

Dheeraj Kumar @ Gope Ji Son of Arvind Kumar Ray Resident of Village -
Bhagwanpur, P.s.- Awatar Nagar, Distt.- Saran (Chapra)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Singh

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 20-04-2022 Let the defects, if any, be removed within four weeks
from today.

Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered in connection
with Sonapur Rail P.S.Case No. 21 of 2021 for the offences
punishable under Sections 395, 397 of the Indian Penal Code
and section 27 of the Arms Act.

As per the prosecution case, it is alleged that while the
informant was travelling in Barauni- Gwalior Mail, 10-12
miscreants entered into the Bogie and started looting the
passengers on the point of firearm. It is further alleged that
when the informant protested, one of the miscreants fired on
him, causing injury on his thigh. It is also alleged that after



looting the passengers, all the miscreants step down from the train.

It is submitted on behalf of the learned counsel for the petitioner that F.I.R has been instituted against unknown miscreants. However, the name of the petitioner transpired on the confessional statement of co-accused Rahul Kumar, who disclosed the name of so many persons, including this petitioner in the complicity of the present crime. It is submitted that nothing has been recovered from possession of the petitioner and is in custody since 23.04.2021 but till date he has not even put on TIP. It is further submitted that other co-accused persons have already been granted bail by co-ordinate Bench of this Court, namely, Vicky Kumar in Cr. Misc .No 46391 of 2021 vide order dated 21.03.2022 and Santosh Kumar in Cr. Misc. No. 60704 of 2021 vide order dated 25.04.2021 respectively. It is lastly submitted that investigation has already concluded and there is no chance of his absconding and tempering with the evidence.

The learned A.P.P opposed the prayer for bail of the petitioner and submits that it is serious case of train dacoity.

Having heard the rival contentions of the parties and taking into consideration the fact that petitioner is not named in



the F.I.R and name transpired on the confessional statement of co-accused. No incriminating material has been recovered from possession of the petitioner and is in custody since 23.04.2021 let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Railway Judicial Magistrate, Sonapur, Saran in connection with Sonapur Rail P.S.Case No. 21 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 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.

(Harish Kumar, J)

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