

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60704 of 2021**

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

Santosh Kumar Son of Ashok Kumar Resident of Village - Bhagwanpur, P.S. -
Awtar Nagar, District - Saran (Chapra).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Awadhesh Kumar Singh, Advocate.
For the Opposite Party/s : Mr. Ramchandra Singh, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 15-04-2022 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

The application for grant of regular bail to the petitioner, above named, who has been made accused and put behind the bar in connection with Sonapur Rail P. S. Case No. 21 of 2021 registered for the offences punishable under Sections 395 and 379 of the Indian Penal Code and Section 27 of the Arms Act.

As per the prosecution case, it is alleged that on 17.02.2021, while the informant was returning from Baraouni Gwalior Mail to Muzaffarpur and when the train started from



Sonepur Railway Station, 10-12 miscreants entered in the coach and started making robbery at the point of pistol, sword etc. It is further alleged that the passengers handed over their belongings and cash to the miscreants and when the informant protested, one of the miscreants fired upon him, causing gun shot injury on his leg. Further the miscreants after committing robbery stepped down at the Dighwara Railway Station.

Learned counsel appearing on behalf of the petitioner submits that the F.I.R. has been instituted against unknown miscreants. However, the name of the petitioner has come on the confessional statement of co-accused Rahul Kumar and from the possession of this petitioner, nothing has been recovered. It is further submitted that one of the co-accused persons, whose name also transpired in the confessional statement of co-accused Rahul Kumar has already been granted bail by co-ordinate Bench of this Hon'ble Court in Cr. Misc. No. 46391 of 2021 vide order dated 21.03.2021. It is lastly submitted that this petitioner is in custody since 15.04.2021 and in spite of the investigation has been concluded and the charge-sheet has already been submitted, he has not been put on T.I.P. till date.

On the other hand, learned APP for the State



opposes the bail application and submits that the petitioner is found accused in Sonapur Rail P. S. Case No. 22 of 2021.

Having considered the submissions made on behalf of the parties and taking into consideration this fact the name of the petitioner has transpired in the confessional statement of the co-accused and nothing incriminating has been recovered from the possession of this petitioner and in spite of his custody since 15.04.2021, he has not been put on T.I.P. till date, though the investigation has been concluded. Apart from the fact that the co-accused person has already been granted bail by co-ordinate Bench of this Hon'ble Court, let the petitioner, above named, 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 Additional Chief Judicial Magistrate (Railway) 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 relative 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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