

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62166 of 2021

Arising Out of PS. Case No.-18 Year-2021 Thana- JAMALPUR RAIL P.S. District-
Lakhisarai

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Bholu Kumar @ Rohit Kumar Paswan, Son of Ashok Paswan, Resident of
Village - Pariya Post office Tola, P.s. - Bariarpur, District - Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Arjun Prasad, Advocate
For the Opposite Party/s : Mrs.Renuka Ratnakar, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 08-08-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks from the date of
resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in
connection with Jamalpur Rail P.S. Case No. 18 of 2021
registered for the alleged offences under Sections 395 and 397
of the Indian Penal Code.

As per prosecution case, while the informant had
been travelling by a train, his mobile phone was snatched by an
unknown miscreant and when the informant resisted his attempt
and tried to apprehend the accused, his associates assaulted him



and some other co-passengers were also looted of their belongings. The miscreants also resorted to brick batting and pelted the stone chips on the train.

The learned counsel for the petitioner submits that the petitioner is not named in the FIR and nothing incriminating has been recovered from his possession. The petitioner was named by the co-accused in his confessional statement and except for this, there is nothing substance against this petitioner. The petitioner has not been put to any Test Identification Parade. Even during the investigation, nothing of any substance came up against this petitioner as an evidence. The other similarly placed co-accused Rahul Kumar has been granted bail by a Co-ordinate Bench of this Court vide order dated 26.05.2022 passed in Cr. Misc. No. 2996 of 2022. The petitioner is in custody since 22.07.2021 as mentioned in the order of rejection of bail by the learned court below and the charge-sheet has been submitted in this case.

Learned APP opposes the prayer for bail.

Having regard to the submissions made hereinabove and considering the fact that nothing has been shown to come up against this petitioner to connect the petitioner with the alleged occurrence except for the confessional statement and



further considering the grant of bail to a similarly situated co-accused person and also considering the submission of charge-sheet along with the period of his custody, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Railway Judicial Magistrate, Kiul, District- Lakhisarai/concerned Court in connection with Jamalpur Rail P.S. Case No. 18 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.
- (ii) One of the bailors will be the person, who has sworn the affidavit.
- (iii) The petitioner will remain present on each and every date fixed by the court below.
- (iv) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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