

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66431 of 2021

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

Kundan Kumar, Son of Akhilesh Rai @ Mohan Rai @ Manohar Ray Resident
of Village - Bhagwanpur , P.s.- Awtarnagar, Distt.- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Awadhesh Kumar Singh, Adv.
For the Opposite Party/s : Mr. Nirmal Kumar Sinha, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 01-08-2022 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is in judicial custody in connection with Sonapur Rail P.S. Case No.21 of 2021 registered under Sections 395, 379 of the Indian Penal Code and Section 27 of the Arms Act.

As per the FIR, the informant after participating in CRPF Constable appointment at Muzaffarpur had boarded a Barauni-Gwalior Mail at Muzaffarpur Railway Station for Kanpur. He further alleged in the FIR that when the train reached Sonapur Railway Station, 10-12 persons boarded the coach, locked the gate and thereafter one of them ordered the passengers to hand over their belongings including the mobile and money at the point of pistol. The passengers dutifully handed over all their belongings to the accused persons. The



informant also handed over his Rs.2000/- as also his mobile to the accused persons. It has further been alleged in the FIR that when one of the passengers protested the accused persons opened fire causing injury on his neck. Later it is alleged that all the accused persons got down from the train at Dighwara Railway Station.

In this case diary was called for on 11.05.2022, the same has been received and perused by the learned APP for the State.

Learned counsel for the petitioner submits that even taking the allegation on its face value, this was his first venture in the crime field that may be taken into account. He further submits that for the said alleged that he has already suffered by being in jail since 22.04.2021.

On the other hand, learned APP for the State submits that in para-377, it has come during the course of investigation that one of the passenger namely Raju Kumar upon going through the photograph of this petitioner identified him as one of the accused who was part of the team that looted that bogey of the concerned train.

Taking into account the aforesaid fact, this Court for the present is not inclined to grant him privilege of bail which is



accordingly rejected.

(Rajiv Roy, J)

Prakash Narayan /-

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