

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17617 of 2023

Arising Out of PS. Case No.-366 Year-2022 Thana- GAYA RAIL P.S. District- Gaya

Vikash Kumar @ Supar Kumar Son Of Chhotan Paswan@ Chhota Paswan
Resident Of Village Gandhi Nagar Manpur Ward No 10, Ps Muffasil, District-
Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vinod Kumar, Advocate

For the Opposite Party/s : Mr. Sucheta Yadav, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 17-05-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
11.11.2022 in connection with Gaya Rail P.S. Case No. 366 of
2022, F.I.R. dated 10.09.2022 for the offences punishable under
Section 394 of the Indian Penal Code.

According to prosecution case, in brief, is that the
informant was boarded on train for Ranchi from Patna. During
that period, an unknown accused dashed him resultant his
mobile phone fell down from the train, on this, he got down
from the train and again he was boarding on the train, in the
meantime another unknown accused who was on the earth from
before again dashed him resultant his five fingers of the right



leg cut and that unknown accused fled away taking his mobile phone. Thereafter, the police was informed and the accused/petitioner was arrested who disclosed the physical of co-accused but does not know the name and address of co-accused and also disclosed that mobile phone of the informant is in possession of the co-accused.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that petitioner was not caught on the spot and nothing has been recovered from the conscious possession of the petitioner and petitioner has falsely been implicated in this case merely on the basis of confessional statement of co-accused namely, Shiv Kumar and till date no TIP has been conducted by the prosecution. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 11.11.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of



the like amount each to the satisfaction of the learned Judicial
Railway Magistrate, Gaya in connection with Gaya Rail P.S.
Case No. 366 of 2022, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that 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 step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

mdrashid/-

U		T	
---	--	---	--

