

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38707 of 2023

Arising Out of PS. Case No.-100 Year-2022 Thana- ARA RAIL P.S. District- Bhojpur

Rahul Kumar @ Rahul Kumar Singh, S/O of Dular Chandra Yadav, Resident
of Village- Osai, P.S.- Bihiya, District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prabhat Kumar Singh, Advocate

For the Opposite Party/s : Mr. Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 28-07-2023 Heard learned counsel for the petitioner and learned
counsel for the State.

2. In the present case, the petitioner is apprehending his arrest in connection with Ara Rail P.S. Case No. 100 of 2022, registered on 17.06.2022 for the offences under Sections 147, 148, 149, 341, 323, 307, 427, 435, 436, 332, 337, 333, 379, 504, 506 and 353/34 of the Indian Penal Code and Sections 153, 174(A), 176(B), 147(C), 147, 146 and 145 of the Railway Act.

3. As per prosecution case, 200-250 miscreants damaged the railway properties on the pretext of opposing Agnipath scheme of the Government of India. Petitioner and 15 other co-accused persons were named in the FIR who were



identified on the basis of information received from the local passengers and the *chaukidar*.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The claim of the informant to have identified the petitioner and other co-accused with their names and parentage is quite surprising as it was not possible to identify any person with certainty in the crowd 200-250 miscreants. There is no specific allegation against the petitioner. For the same occurrence another case has been lodged by the R.P.F vide Ara Rail P.S. Case No. 814 of 2022. Similarly situated co-accused person has been granted bail by a Co-ordinate Bench of this Court vide order dated 20.04.2023 passed in Cr. Misc. No. 10120 of 2023.

5. Learned APP opposes the prayer for anticipatory bail submitting that the petitioner is named in the FIR and allegation is of damaging the Government property.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the non-specific nature of allegation against the petitioner and doubtful nature of means of identification of the petitioner and also considering the probability of false implication and further considering the grant of bail to similarly



situated co-accused person, let the petitioner above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs. 20,000/- (Rupees Twenty Thousand Only) with two sureties of the like amount each to the satisfaction of learned Railway Judicial Magistrate, Bhojpur at Ara in connection with Ara Rail P.S. Case No. 100 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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