

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46357 of 2022

Arising Out of PS. Case No.-44 Year-2022 Thana- BUXAR RAIL P.S. District- Bhojpur

JITENDRA KUMAR Son of Dasharath Rai Resident of Budhara, Ward No. 04, P.S.- Athamalgola, District - Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 57046 of 2022

Arising Out of PS. Case No.-44 Year-2022 Thana- BUXAR RAIL P.S. District- Bhojpur

AKHARU JAMA KHAN @ SULTAN KHAN SON OF LATE MAKABUL KHAN R/O VILLAGE- FAKRUDDINPUR, P.S.- MUBARAKPUR, DISTT.- AZAMGARH (UTTAR PRADESH)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 1618 of 2023

Arising Out of PS. Case No.-44 Year-2022 Thana- BUXAR RAIL P.S. District- Bhojpur

RAMBARAN SAO Son of Late Hira Sao Resident of Village - Datiana, P.S.- Bikram, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 46357 of 2022)

For the Petitioner/s : Mr.Ajay Mishra

For the Opposite Party/s : Mr.Kalyan Shankar

(In CRIMINAL MISCELLANEOUS No. 57046 of 2022)

For the Petitioner/s : Mr.Ajay Mishra

For the Opposite Party/s : Mr.Amit Kumar Rakesh

(In CRIMINAL MISCELLANEOUS No. 1618 of 2023)

For the Petitioner/s : Mr.Ajay Kumar Sinha

For the Opposite Party/s : Mr.Narsingh Tanti



**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

5 13-03-2023 Heard the learned counsel for the petitioners as well
as the learned Additional Public Prosecutor for the State.

The petitioners are seeking regular bail in connection with Railway Buxar P.S. Case No. 44 of 2022, registered for the offences punishable under Sections 406, 418, 419, 420, 120(B) of the Indian Penal Code.

As per allegation, the informant, who is resident of Delhi, visited to Patna on 28.02.2022 to 07.03.2022 for business purpose. He was carrying Rs. 25 lacs cash. His deal was fixed with the petitioner Akharu Jama Khan @ Sultan Khan, but later on, the informant decided not to pursue with the deal due to some trust issue and the accused Akharu Jama Khan @ Sultan Khan was ready to return the cash. Sultan Khan assured the informant to return his money and he decided that petitioner Jitendra Kumar shall also go to Delhi with him in his assistance. When the train reached to Buxar Station, 2-3 R.P.F. Constables boarded in the train. They slapped Jitendra Kumar and they got down from the train with co-accused. Though the informant apprised them that the cash was belonging to them, but they did not pay heed.

The learned counsel for the petitioners has submitted



that the two constables, who got down from the train with cash, have been granted regular bail by a co-ordinate Bench of this Court in Cr. Misc. nos. 41245 of 2022 and 38385 of 2022. He has submitted further that the petitioner Jitendra Kumar, in his confessional statement, has stated that the informant himself was indulged in an organized crime of a gang, who deceives the innocent persons by assuring them to make double their cash. The petitioner Jitendra Kumar is servant of accused Akharu Jama Khan @ Sultan Khan and he has falsely been implicated in this case. He has submitted further that though petitioner Sultan Khan is accused in 11 cases, but in almost all the cases, he is on bail. He has also submitted that there is nothing against the petitioner Rambaran Sao in the entire case diary except the fact that this petitioner has some conversation on telephone with the petitioner Jitendra Kumar.

On the other hand, the learned APP has opposed the prayer for bail and submitted that the petitioner Akharu Jama Khan @ Sultan Khan has strong criminal antecedent.

In my view, the petitioner Akharu Jama Khan @ Sultan Khan does not deserve the privileges for regular bail. Accordingly, his prayer for bail is hereby **rejected**.

So far as **petitioners Jitendra Kumar and**



Rambaran Sao are concerned, let them be released on bail on furnishing bail bonds of Rs.10,000/- with two sureties of the like amount each to the satisfaction of learned Railway Magistrate, Ara in connection with Railway Buxar P.S. Case No. 44 of 2022, subject to the following conditions:-

(i) The petitioners shall cooperate in the disposal of trial and make themselves available as and when required by the court.

(ii) If the petitioners are found involved in future in the similar type of offence, the prosecution will have liberty to file an application before the court below for cancellation of the bail of the petitioners and the learned court below will take decision in accordance with law.

Office shall ensure that all defects are removed by the petitioners within the stipulated time mentioned hereinabove, failing which, the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

Nirmal/Kundan

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

