

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53149 of 2023**

Arising Out of PS. Case No.-175 Year-2022 Thana- CHAPRA RAIL P.S. District- Saran

Anish Kumar Son Of Jitendra Baitha Resident Of Mohalla- Shilpi Chowk, Ps-
Chapra Town, Dist- Saran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kumar Srivastva, Advocate

For the Opposite Party/s : Mr. Rajendra Nath Jha, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 25-08-2023 Learned counsel for the petitioner is permitted to remove defect (s), as pointed out by the office, if any, within a period of four weeks on resumption of physical mode.

2. Heard learned counsel for the petitioner and learned A.P.P for the State.

3. The petitioner has preferred this application for grant of regular bail in connection with Chapra Rail P.S. Case No. 175 of 2022 dated 28.08.2022 registered for the offences punishable u/s 394 of the Indian Penal Code.

4. As per the prosecution case, when the informant along with his brother was returning to his home by train and when the train stopped at Dhala No.-43, three miscreants came in the boggy and tried to snatch the money from the informant.



In the meantime, the informant caught hold of one of them, thereafter another person stabbed in the stomach of the informant then the informant shouted, the other passengers caught hold of the apprehended person and the others fled away. Thereafter, the apprehended person Anish Kumar (Petitioner) was handed over to the police.

5. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The specific allegation of assaulting the informant is against the co-accused person. No incriminating material has been recovered from the conscious possession of the petitioner. Similarly situated co-accused has already been granted bail by the co-ordinate bench of this court *vide* order dated 12.04.2023 passed in Cr. Misc. No. 73191 of 2022. The petitioner has clean antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 29.08.2022.

6. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

7. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of



the like amount each to the satisfaction of learned Court
concerned, Chapra, Saran in connection with Chapra Rail P.S.
Case No. 175 of 2022.

8. The application stands allowed.

(Chandra Prakash Singh, J)

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