

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57830 of 2023

Arising Out of PS. Case No.-23 Year-2023 Thana- KHAGARIA RAIL P.S. District- Khagaria

Abhay Kumar S/O Parmanand Parmesh @ Parmanand Prames R/O Village-
Patori, Ps. Hasanpur, Dist. Samastipur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjit Kumar Yadav, Advocate

For the Opposite Party/s : Mrs. Madhuri Lata, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 25-09-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since 17.03.2023 in connection with Khagaria (Rail) P.S. Case No. 23 of 2023, F.I.R. dated 17.02.2023 for the offences punishable under Section 394 of the Indian Penal Code and Section 27 of the Arms Act.

3. According to prosecution case, four miscreants sat beside the informant in Train and out of those four boys, two boys got down at the Imli Station and two boys snatched his mobile phone and opened fire due to which he sustained injury in his belly and then both the accused persons fled away.

4. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the



present case. He further submits that the petitioner is not named in the F.I.R. and the name of the petitioner has been transpired during investigation on the basis of the confessional statement of the co-accused, namely, Raja Kumar @ Manoj Yadav. He further submits that from perusal of the confessional statement of the Raja Kumar, it appears that the co-accused, namely, Raushan Pathak has fired upon the victim and the petitioner and other accused persons were also accompanying with the Raushan Pathak and there is no acquisition of any assault of overt act attributed against the petitioner. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Raja Kumar @ Manoj Yadav who has confessed the name of the petitioner has been granted bail by a co-ordinate Bench of this Court vide order dated 08.09.2023 passed in Cr. Misc. No. 59698 of 2023 and co-accused, namely, Manoj Kumar @ Manoj Yadav has been granted bail by a co-ordinate Bench of this Court vide order dated 03.08.2023 passed in Cr. Misc. No. 48260 of 2023. The petitioner is in custody since 17.03.2023.

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



submits that it has come during investigation that the petitioner was involved in the present crime in question and apart from that the petitioner carries one criminal antecedent other than the present one but fairly submits on the basis of paragraph 3 of the bail petition that the petitioner is on bail in the pending case.

6. 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 in connection with Khagaria (Rail) P.S. Case No. 23 of 2023, subject to the following conditions:-

i. 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.

ii. 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.

iii. 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)

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