

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55610 of 2023

Arising Out of PS. Case No.-34 Year-2022 Thana- SAHARSA RAIL P.S District- Khagaria

Kundan Kumar @ Kundan Kumar B.S.S. College Son Of Shivam Ram
Resident Of Jhitkiyahi Ps Pipra Bazar District Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Santosh Kumar Singh, Adv.

For the Opposite Party/s : Mr. Dilip Kumar No. 1, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 09-10-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 147, 148, 149, 341, 342, 323, 332, 333, 337, 338, 307, 427, 436, 353, 186, 187, 188, 189, 379, 380, 382, 504, 506 of the Indian Penal Code and Section 146, 150, 151, 174 of Railway Act.

3. As per the prosecution case, at about 8:10 hours 100 to 150 unsocial elements entered into the train and started pelting brick chips stones and stopped the train by showing red colour flag. Some unsocial elements set fire by sprinkling petrol on the boggie of train.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. He submits that from perusal of



F.I.R., it appears that the petitioner's name was transpired in this case on the basis of statement of apprehended accused person but informant has not disclosed the name of discloser of co-accused person. He further submits that the petitioner was not seen in video footage and there is nothing on record to show as to who conveyed the name of this petitioner to the informant. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State opposes prayer for anticipatory bail.

6. Considering the facts and circumstances of the case and the fact that there is no specific overt act against the petitioner, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Saharsa Rail P.S. Case No. 34 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

anand/-

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