

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57860 of 2023

Arising Out of PS. Case No.-114 Year-2021 Thana- CHAPRA RAIL P.S. District- Saran

1. VISHWANATH RAM S/o- LATE SHIOPUJAN RAM Village- Karasghat Ps- Mohhamadpur Dist- Gopalganj
2. Ajay Kr. @ Ajay Ram son of Vishwanath Ram Village- Karasghat Ps- Mohhamadpur Dist- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 01-09-2023 Heard learned counsel for the petitioners and

learned APP for the State.

The petitioners are in judicial custody in connection with S.Tr. 213 of 2022 arising out of Chapra Rail Kachahari P.S. Case No. 114 of 2021 registered under Sections 328 and 379 of the Indian Penal Code lodged on 04.09.2021 by the informant, Ashok Chouhan.

As per the prosecution story, the allegation is that the informant boarded a train where one person came and sat with him and after eating the first biscuit from the packet, he offered, the informant and other who accepted the same and after eating it, became unconscious and later treated at



Sadar Hospital, Gopalganj. Meanwhile, their cash and belongings were taken by the accused persons.

The case of the petitioners is/are that they too were *bona fide* passengers and were affected, have been picked up by police and forced to make confession which led to their custody since 10.02.2022 (when they were remanded in the present case) but till date no Test Identification Parade has been conducted.

Further submission is that similar placed co-accused, Md. Alijan @ Alijan has been extended the privilege of bail vide order dated 30.01.2023 passed in Cr. Misc. No. 61200 of 2022.

Learned APP for the State submits that such kind of people across the country looted the passengers in the train and in the process, some people even died. He as such opposes the prayer for bail.

Considering the submission put forward by the learned counsel for the parties, he is in custody for more than one and half years, still no Test Identification Parade has been conducted and one of the similar placed co-accused has since been extended the privilege of bail, as



submitted and recorded above, this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned ADJ-VII, Chapra, Saran in connection with S.Tr. 213 of 2022 arising out of Chapra Rail Kachahari P.S. Case No. 114 of 2021 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show his/her *bona fide*;

(ii) the petitioners shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial court itself;

(iii) the petitioners shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take



steps for cancellation of their bail bonds;

(v) the petitioners shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

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