

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61456 of 2023

Arising Out of PS. Case No.-451 Year-2023 Thana- PATNA RAIL P.S. District- Patna

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Dharmendra Kumar S/O Visheshwar Chaudhary R/O Village- Hasanpur, P.S-
Makhdumpur, Distt.- Jehanabad, At Present Resdient Of Village- Yarpur,
Domkhana, P.S- Gardanibagh, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shashikant Yadav

For the Opposite Party/s : Mr.Shailendra Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 22-09-2023 Heard learned counsel for the petitioner and

learned APP for the State.

2.The petitioner has prayed for regular bail in a case
registered for the offence punishable under sections 147, 149,
332, 333, 353, 427, 504 of the Indian Penal Code, Section
30(a) of the Bihar Prohibition and Excise Act and Sections
151 and 152 of the Indian Railway Act.

3. As per the prosecution story, upon information
that stone pelting is being done in a train near Harding Park,
Patna, the police reached there and saw the washroom
window pane of the train has been broken. The miscreants



escaped but two miscreants were found inside the washroom with 230.640 liters of country made liquor and they were apprehended.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case merely on the basis of confessional statement of co-accused persons before the police which has got no evidentiary value in the eye of law. The petitioner is neither apprehended on spot nor any incriminating article has been recovered from his conscious possession. Similarly situated other co-accused persons have already been granted bail by the co-ordinate Bench of this Court vide Annexure-2 series of this petition. Moreover, the petitioner is languishing in judicial custody since 04.06.2023.

5. Learned APP appearing for the state has opposed the prayer of regular bail.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody of the petitioner, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Rail Patna P.S. Case No. 451 of 2023 on furnishing bail bond of Rs.10,000/- (ten



thousand) with two sureties of the like amount each to the
satisfaction of learned Special Judge, Excise, Patna.

(Sunil Kumar Panwar, J)

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