

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.72551 of 2022**

Arising Out of PS. Case No.-239 Year-2021 Thana- GAYA RAIL P.S. District- Gaya

KARAN KUMAR SON OF SURESH RAJAK R/O VILLAGE- BITHO  
SHARIF, P.S.- BUNIYADGANJ, DISTRICT- GAYA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Manish Kumar No2,Adv.

For the Opposite Party/s : Mr.Umanath Mishra,APP

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH**  
**ORAL ORDER**

2      16-05-2023                      Heard    the    learned    counsel    for    the  
petitioner and the learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Rail Gaya P.S. Case No. 239 of 2021 registered for the offences punishable under Sections 379, 411 and 414 of the Indian Penal Code.

The allegation is regarding one unknown person having stolen the backpack of the informant, who was travelling in a train along with his wife, whereafter the said accused person is stated to have jumped out of the running train and fled away. It is also alleged that the said backpack was containing several articles like laptop, mobile, gold jewellery, certificates etc.



The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case. The learned counsel for the petitioner has further submitted that though the petitioner is an accused in one another case, but he is on bail in the said case. It is also submitted that neither any Test Identification Parade has been conducted so as to connect the petitioner with the alleged occurrence, nor any stolen articles have been recovered from the conscious possession of the petitioner and moreover his name has transpired in the present case upon the confessional statement made by the co-accused persons namely, Arjun Sao and Guddu Chaudhary.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for grant of anticipatory bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials



available on record as also considering the fact that neither any test identification parade has been held so as to connect the petitioner with the alleged occurrence, nor any recovery has been made from the conscious possession of the petitioner, I deem it fit and proper to admit the petitioner herein to the privilege of anticipatory bail.

Accordingly, the petitioner, above named, is directed to be released on anticipatory bail in the event of his arrest/surrender before the court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Railway Judicial Magistrate, Gaya in connection with Rail Gaya P.S. Case No. 239 of 2021, subject to the conditions as stipulated under Section 438(2) of the Code of Criminal Procedure.

**(Mohit Kumar Shah, J)**

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