

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78947 of 2023

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

Raushan Pathak S/O Kailash Pathak R/O Village- Malpur Patori, Ward No. 12, P.S- Hasanpur, Distt.- Samastipur, Presently Residing At Village- Shakarpura, Ward No.-19, P.S- Bakhri.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhirendra Kumar Jha

For the Opposite Party/s : Mr.Ram Sevak Choudhary

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 13-12-2023 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner has filed the instant application for grant of regular bail in a case registered for the offences punishable under Sections 394 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case in nutshell is that four miscreants entered into the boggy of train and sat near the informant. When the informant picked his mobile phone out of his pocket, two miscreants got down from the train and the two snatched his mobile. It is further



alleged that informant caught hold one person but he picked out pistol from his waist and fired upon the informant due to which informant sustained fire arm injuries in his abdomen.

It is submitted by learned counsel for the petitioner that the petitioner is innocent and he has falsely been implicated in the present case. Neither the petitioner is named in F.I.R. nor he has been put on T.I.P. Nothing incriminating has been recovered from his possession. The name of petitioner sprang up in this case on confessional statement of co-accused Manoj Kumar, from whose possession stolen mobile has been recovered. Moreover, the petitioner is languishing in judicial custody since 11.03.2023. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent.

Learned APP appearing for the State has vehemently opposed the prayer for Bail.

Having heard learned counsel for the parties



and taking into consideration the facts and circumstances of the case as well as period of custody, this Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail in connection with Khagaria Rail P.S. Case No. 23 of 2023 on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Railway Judicial Magistrate, Khagaria.

(Sunil Kumar Panwar, J)

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