

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8041 of 2024

Arising Out of PS. Case No.-33 Year-2013 Thana- CHANAN District- Lakhisarai

1. Sharwan Shah Son Of Late Kesho Shah Resident Of Village- Khaira, Ps- Kajra, Dist- Lakhisarai
2. Bipin Sah Son Of Shrawan Shah Resident Of Village- Khaira, Ps- Kajra, Dist- Lakhisarai
3. Subhag Sah @ Subhash Sah Son Of Rohan Saw Resident Of Village- Khaira, Ps- Kajra, Dist- Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mayank Bilochan
For the Opposite Party/s : Mr.Murli Dhar

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 20-02-2024 Heard learned counsel for the petitioners and

learned APP for the State.

The petitioners have filed the instant application for grant of regular bail in a case registered for the offences punishable under Sections 147, 148, 149, 302, 307, 427, 120(B) of the Indian Penal Code, Section 27 of Arms Act, Section 3/4 of Explosive Substance Act, Sections 150, 151, 152 of Railway Act and Sections 16, 17, 18(b), 20 of UAP Act.

According to prosecution case, extremists, more



than 100 in number stopped a train and opened indiscriminate firing upon the train killing police personnel and a passenger and looted three automatic rifles and 290 cartridges.

It is submitted by learned counsel for the petitioners that the petitioners are innocent and they have committed no offence. They have falsely been implicated in the present case. Neither the petitioners are not named in F.I.R. nor they have been put on T.I.P. Their name sprang up in this case on the basis of confessional statement of co-accused, namely, Birendar Kora and Karelal Kora. It is further submitted that there is no substantive material to prove the involvement of petitioners in the alleged offence. Moreover, the petitioners are languishing in judicial custody since 09.05.2023. similarly situated co-accused, namely, Lochan Manjhi has been granted bail vide order dated 21.08.2023, passed in Cr. Misc. No. 52373 of 2023 by the co-ordinate Bench of this Court.



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 petitioners on bail. The above named petitioners are directed to be enlarged on bail, **after framing of charge, if not framed**, in connection with Chanan P.S. Case No. 33 of 2013 on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Railway Judicial Magistrate, Kiul.

(Sunil Kumar Panwar, J)

Nirajkrs/-

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