

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12828 of 2024

Arising Out of PS. Case No.-81 Year-2023 Thana- BAKHTIYARPUR RAIL P.S. District-
Patna

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Pardhum Kumar @ Pardhuman Kumar Son of Vijay Kumar @ Vijay Yadav
@ Vijay Parsad R/o Village- Naya tola, Bariyarpur, Ward no. 14, P.S.-
Bakhtiyarpur, Dist.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Budhilal Yadav, Advocate

For the Opposite Party/s : Mr.Chandra Bhushan Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 13-03-2024 1. Heard learned counsel for the petitioner as well as
learned APP for the State.

2. The petitioner seeks bail in anticipation of his
arrest in a case registered for the offences punishable under
Sections 395, 397 of the IPC and Section 27 of the Arms Act.

3. The learned counsel for the petitioner submits that
petitioner has antecedent of one case and has been falsely
implicated in the instant case based on confessional statement
of apprehended accused in police custody which does not have
any evidentiary value. It is further submitted that though the
instant case has been instituted with an allegation that accused
persons committed train dacoity, but then petitioner is not
named in the FIR. It is further submitted that apart from
confession there is nothing which could even remotely connect



the petitioner with the offence. It is also submitted that on the same day the present FIR and Bakhtiyarpur (Rail) P.S. Case No.82 of 2023 was instituted.

4. The learned APP, Mr. Chandra Bhushan Prasad vehemently opposes the anticipatory bail application of the petitioner and submits no doubt the name of the petitioner transpired in the confessional statement of apprehended accused, but then it is a serious case of train dacoity and in the event if petitioner is given the privilege of anticipatory bail, the petitioner may abscond, on which the learned counsel for the petitioner submits that petitioner will cooperate in the investigation and will not abscond.

5. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Railway Judicial Magistrate, Patna in connection with Bakhtiyarpur Rail (GR PS) Case No.81 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C. with further condition that one of



the bailor shall be the father of the petitioner, namely, Vijay Kumar @ Vijay Yadav @ Vijay Parsad.

6. However, it is made clear that in the event if the Investigating Officer of the case files an application before the learned trial court bringing to its notice that petitioner despite giving assurance to this Court is not cooperating in the investigation, in that event, the learned trial court shall be at liberty to forthwith cancel the bail bonds of the petitioner and to take all coercive steps to ensure that petitioner is behind bar.

7. It is further made clear that if the police after investigation submits charge sheet connecting the petitioner with the offence, in that event, the present anticipatory bail order shall loose its effect.

8. The application stands allowed.

(Satyavrat Verma, J)

Prakash Narayan

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