

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17739 of 2024

Arising Out of PS. Case No.-16 Year-2023 Thana- PATLIPUTRA RAIL P.S. District- Patna

Raj Kumar Sah @ Raj Kumar S/o Baijnath Saw, R/o House No. A/2, Boring Road, Gandhi Nagar, Police Station - Srikrishnapuri, Dist. - Patna. At present resident of Hasanpura Road, Vidyanagar, Beur, P.S. - Beur, Dist. - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Lokesh Kumar Singh, Advocate
For the Opposite Party/s : Mr. Khurshid Anwar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 14-03-2024 Heard Mr. Lokesh Kumar Singh, the learned counsel

for the petitioner and Mr. Khurshid Anwar, the learned Additional

Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Rail Patliputra PS Case No. 16 of 2023, FIR dated 24.03.2023, registered for the offences punishable under Sections 302, 201 and 120(B) of the Indian Penal Code.

3. According to prosecution case, the informant received a call from one Arti Devi informing him that informant's son fell in the river near Digha Bridge while they were coming back from Baliya by train. It is further alleged that the informant searched for his son but he remained traceless and when the informant tried to call Arti Devi, her phone was found to be switched off, creating credible doubt that his son has been



murdered.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that upon perusal of the FIR, it appears that petitioner had not accompanied the other co-accused persons or the deceased in the railway and he has been made accused merely on the ground that he is husband of the co-accused namely, Arti Devi, who accompanied the deceased. He lastly submits that except the fact that petitioner is the husband of the co-accused person, nothing has come during investigation that suggests the involvement of the petitioner in the present occurrence.

5. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances and the fact that the petitioner has clean antecedent and he has neither accompanied the co-accused persons nor the deceased in the train, let the petitioner, above-named, in the event of his arrest or surrender before the trial Court, within a period of four weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Railway Judicial Magistrate, Patna, where the case is



pending in connection with **Rail Patliputra PS Case No. 16 of 2023**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:

(i). Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the trial Court and shall remain physically present as directed by the trial Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the trial Court.

(ii). If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(iii). And further condition that the trial Court shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the trial Court shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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