

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33942 of 2024

Arising Out of PS. Case No.-79 Year-2023 Thana- SUGAULI RAIL P.S. District- West
Champaran

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Jabrej Alam @ Jabrej Ansari @ Jabress Ansari, S/o Najju Miyan, R/o village-
Bangda Railway Gumti Track Open Field, P.S. - Sugauli, Distt. - East
Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Tiwari, Advocate
For the Opposite Party/s : Md. Aslam Ansari, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 31-07-2024 Heard Mr. Sanjay Kumar Tiwari, learned counsel for
the petitioner and learned APP for the State.

2. The petitioner seeks regular bail, who is in custody
in connection with Sugauli Rail P.S. Case No. 79 of 2023
registered for the offences punishable under Sections 379, 307,
337, 338 of the Indian Penal Code. Later on, Sections 356, 304,
201, 414/34 of the Indian Penal Code have been added.

3. Based upon the written report, the prosecution
alleges that the daughter of the informant was traveling with
Train No. 05288 for participating in an examination; when the
train left Sugauli platform, in the meantime, an unknown aged
person snatched the mobile phone of the daughter of the
informant and jumped from the train, whereupon the daughter of
the informant chased him. However, in course of chase, the



daughter of the informant came inside the train, due to which her right leg and right hand were imputed. During the course of treatment, the daughter of the informant died and, as such, later on, Section 304 and other allied sections of the Indian Penal Code were added.

4. Learned Advocate for the petitioner referring to the F.I.R. contended that the F.I.R. has been instituted against unknown miscreants. None of the persons, who present present in the train or at the platform have disclosed the name of the petitioner or identified him. It is next contended that during the course of investigation one co-accused, namely, Ranjeet Giri, was apprehended by the police and he disclosed that he along with others are engaged in snatching mobiles of the passengers and they used to sell the same to this petitioner. On the basis of the statement, the police raided the house of the petitioner and in course of search, from a thatched house altogether 10 mobile phones have been recovered. Adverting thereto, learned Advocate for the petitioner thus contended that in fact he is engaged in sale and purchase of old mobile and he has never been knowing that the mobile phone was stolen property. Even as per the confessional statement of co-accused, the petitioner was not the person, who snatched the mobile phone and



participated in the commission of crime. Learned Advocate lastly contended that the petitioner is a man of clean antecedent and now he is in judicial custody since 27.12.2023.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that the petitioner is the person, who used to purchase the stolen mobile and in fact it is a racket, which is engaged in committing such crime.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that save and except the allegation that the petitioner used to purchase stolen mobile, there is no other material that he anyway participated in the alleged crime, due to which the daughter of the informant received serious unfortunate injuries, leading to her death, coupled with the period of custody and fair antecedent of the petitioner, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate (Railway) West Champaran, Bettiah in connection with Sugauli Rail P.S. Case No. 79 of 2023, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as



follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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