

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50469 of 2024

Arising Out of PS. Case No.-8 Year-2018 Thana- BAKHTIYARPUR RAIL P.S. District-
Patna

Rakesh Gaba @ Rakesh Kumar Singh @ Gaba @ Rakesh Kumar Son Of
Subenarayan Singh @ Shivnarayan Singh Village- Athmalgola, Bahadurpur,
Ps- Barh, Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 56382 of 2024

Arising Out of PS. Case No.-8 Year-2018 Thana- BAKHTIYARPUR RAIL P.S. District-
Patna

Gautam Kumar Singh @ Disco @ Gautam Kumar Son Of Late Amerika
Singh R/O- Village- Bihari Bigha (karmaur) P.S.- Pandarak, Distt.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 50469 of 2024)
For the Petitioner/s : Mr. Nalin Kumar, Adv.
For the Opposite Party/s : Mr. Dinesh Singh, APP
(In CRIMINAL MISCELLANEOUS No. 56382 of 2024)
For the Petitioner/s : Mr. Tej Narayan Singh, Adv.
For the Opposite Party/s : Mr. Ajit Kumar, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 25-09-2024 Heard learned counsel for the petitioners and learned
A.P.P for the State.

2. The petitioners seek bail in connection with S.T. No.
261 of 2024 arising out of Bakhtiyarpur (Barh) Rail P.S. Case
No. 08 of 2018 dated 05.02.2018 registered for the offence



punishable under Sections 302, 120(B)/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. The prosecution case, in short, is that on the alleged date of occurrence the informant Nikki Devi, wife of the deceased, was returning to her house at Lamuabad along with her husband and brother-in-law. Her husband went to door of the coach, when the train stopped at Athmalgola. The accused Ranbir Yadav along with three unknown persons fired on him by the pistol due to which he died, thereafter, the accused persons fled away.

4. Learned Counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. It is submitted that the F.I.R. has been instituted against Ranbir Yadav, three unknown and two named accused persons. It is submitted that petitioners have not been named in the F.I.R. and there is specific allegation against co-accused Ranbir Yadav, who fired at the deceased. It is submitted that petitioners have been made accused only on the basis of suspicion. It is submitted that co-accused Ranbir Yadav, Anant Singh and Karamveer Yadav @ Lallu Mukhiya have been granted anticipatory bail by the court below. The petitioner, namely, Rakesh Gaba is in custody since 15.01.2024, having one



criminal case against him and petitioner, namely, Gautam Kumar Singh @ Disco @ Gautam Kumar is in custody since 22.12.2023, having nine criminal case against him and charge-sheet has been submitted in the case.

5. Learned A.P.P for the State opposes the prayer for bail of the petitioners.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioners be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned A.D.J.-III-cum-Special Judge, Patna in connection with S.T. No. 261 of 2024 arising out of Bakhtiyarpur (Barh) Rail P.S. Case No. 08 of 2018, subject to the following conditions:-

1. Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

2. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or their wife.

3. The bailor shall also state on affidavit that



he/she will inform the court concerned if the petitioners are made accused in any other case of similar nature after their release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

4. If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Khatim Reza, J)

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