

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55199 of 2024

Arising Out of PS. Case No.-35 Year-2024 Thana- KIUL RAIL P.S. District- Lakhisarai

Golu Kumar @ Avinash Kumar Singh @ Abhinash Kumar S/o Guddu Prasad
Singh R/o vill - Ramcharan Tola, Duanni, ward no. 6, P.S. - Barahiya, Distt. -
Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashank Shekhar, Advocate

For the Opposite Party/s : Mr. Pranav Kumar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 22-11-2024 Heard the learned Advocate for the petitioner and the
learned APP for the State.

2. The petitioner seeks regular bail, who is in custody
in connection with Kiul Railway P.S. Case No. 35 of 2024,
registered for the offence punishable under Section 394 of the
Indian Penal Code.

3. Allegedly, while the informant was got down from
Maurya Express Train No. 15027 UP, in the meantime, two
unknown miscreants came there and demanded Rs.400/-. When
the informant protested, one of the miscreants assaulted him
with knife and also snatched Rs.5,000/-, golden chain, wrist
watch and mobile and fled away.

4. Learned Advocate for the petitioner drawing the



attention of this Court to the FIR primarily contended that the FIR has been instituted against unknown miscreants. However, during the course of investigation, on account of suspicion, the petitioner was apprehended and from his possession one knife and Rs. 1,500/- cash amount were recovered. It is further contended that after apprehending the petitioner, his confessional statement was recorded, showing complicity in the present crime. Save and except the confessional statement, there is no material suggesting the complicity of the petitioner in the crime, nor the petitioner has ever been put on Test Identification Parade, as to whether he was involved in the crime. It is further contended that there are infirmities in the search and seizure, apart from the fact that the petitioner is a man of fair antecedent and now he has been incarcerated since 19.03.2024. The investigation of the crime is complete and the charge-sheet has been submitted.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that the recovery of knife clearly suggest the involvement of the petitioner in such kind of crime.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that investigation



of the crime is complete and the charge-sheet has been submitted, however, without there being any Test Identification Parade, 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 Railway Judicial Magistrate, Kiul, Lakhisarai in connection with Kiul Railway P.S. Case No. 35 of 2024, 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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