

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60014 of 2024

Arising Out of PS. Case No.-286 Year-2023 Thana- OBRA District- Aurangabad

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Pawan Kumar, S/o Shankar Yadav, Resident of Village Pipardih, PS
Aurangabad Town, Distt. - Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jitendra Sagar, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 26-10-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner seeks regular bail, who is in custody
in connection with Obra P.S. Case No. 286 of 2023 registered
for the offences punishable under Sections 302, 379 and 506 of
the Indian Penal Code.

3. This is the second attempt made on behalf of the
petitioner, as earlier his prayer for bail was turned down by this
Court in Cr. Misc. No. 81707 of 2023 vide order dated
08.02.2024.

4. Learned counsel for the petitioner fairly contended
that though the prayer for bail of the petitioner has already been
rejected on merit(s), and as such, he is not pressing the
application on merit, but certain facts are required to be looked



into, which has not been considered on the last occasion. Drawing the attention of this Court to para-40 of the case diary, it is contended that during the course of investigation, the statement of one of the Railways' employee, who did not disclose his name, was recorded and he disclosed that he received an information that on the fateful day one person received serious injuries, when he came down under the train and when the said employee reached at the place of occurrence, he found him badly injured. Thereupon, the injured person disclosed that he was coming from Varanasi alongwith his friend and since inadvertently they got down on the next station; they were returning to their native station through the railway track, in the meantime, the petitioner came down under the wheel of a train due to which he sustained serious injury. On the disclosure made by the deceased, from his mobile a phone call was made to his family members and thereupon his family members rushed to the place of occurrence.

5. Submitting the afore-noted facts, learned counsel for the petitioner thus contended that admittedly the informant is not an eyewitness to the alleged occurrence, but only on suspicion that the petitioner was accompanying the deceased, his name has been implicated in this case by making a



concocted allegation. It is further contended that the entire case is based on suspicion and moreover after commitment of the case, the charges have been framed and till date, altogether three witnesses have already been examined. The petitioner undertakes that he will fully cooperate in the trial and will remain present on each and every date. The petitioner bears fair antecedent.

6. On the other hand, learned counsel for the State vehemently opposed the bail application and submitted that all the witnesses have consistently supported that it is the petitioner, who had pushed the petitioner under the running train and snatched valuables.

7. Regard being had to the submissions made on behalf of the parties and considering the period of incarceration and the materials collected in course of investigation as also the undertaking of the petitioner that he will remain present on each and every date of trial, coupled with the fair antecedent, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-IX, Aurangabad in connection with Obra P.S. Case No. 286 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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