

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65915 of 2023

Arising Out of PS. Case No.-86 Year-2023 Thana- PATNA RAIL P.S. District- Patna

VIKKY KUMAR Son of Jayjayram Mandal R/o vill - Jokmaila, P.S. -
Lakhisarai, Distt. - Lakhisarai

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rajnish Chandra, Advocate
For the Opposite Party/s	:	Mr. Navin Kumar Pandey, APP
For the informant	:	Mr. Sheo Nandan Prasad, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

6 29-02-2024

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of regular bail in connection with Sessions Trial no. 711 of 2023 (Patna Junction Rail Case no.86 of 2023) registered under sections 302, 201 and 34 of the Indian Penal Code.

3. As per the prosecution case, the informant states that a box was recovered from the train in question, on opening of which a dead body was recovered.

4. It is submitted by learned counsel for the petitioner that the F.I.R. was registered against unknown. The petitioner has been falsely implicated in the case in course of investigation when it was alleged that he was having some affair with the petitioner's wife and as such a false suspicion has been



levelled against him. Admittedly there is no eye witness to the alleged occurrence. The petitioner has no concern with the same. He is in custody since 21.2.2023, chargesheet has been submitted in the case and he undertakes to cooperate in the trial.

5. Heard learned A.P.P. for the State and learned counsel for the informant.

6. It is submitted by learned counsel for the informant that material has transpired in course of investigation which shows that the petitioner has reason to commit the alleged crime. It has further transpired that some CCTV footage has been recorded showing the petitioner carrying a similar box as that in which the dead body was recovered. It is submitted that once the petitioner is enlarged on bail, he will not permit the trial to proceed.

7. Having heard learned counsel for the parties and taking into consideration the nature of allegations in the F.I.R., together with the material that has transpired in course of investigation, the petitioner having remained in custody for one year since 21.3.2023, not having any criminal antecedent and chargesheet having been submitted in the case, the Court directs the petitioner to be enlarged on bail in connection with Sessions Trial no. 711 of 2023 (Patna



Junction Rail Case no.86 of 2023) on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.D.J.X, Patna.

8. It is directed that the petitioner shall cooperate in the trial in the learned trial Court and shall remain physically present in Court on each date of the trial. In case, the learned trial Court is of the opinion that the trial is being delayed due to noncooperation on part of the petitioner, the learned trial Court will be at liberty to cancel the bail bond of the petitioner and take him into custody till conclusion of the trial.

(Partha Sarthy, J)

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