

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61934 of 2023

Arising Out of PS. Case No.-92 Year-2023 Thana- RAIL JHAJHA District- Jamui

Chandan Kumar Son of Mahendra Paswan Resident of Village - Barun
Mohanganj, Ward No.3, P.S. - Barun, District - Aurangabad (BIHAR)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 62186 of 2023

Arising Out of PS. Case No.-92 Year-2023 Thana- JHAJHA RAIL P.S. District- Lakhisarai

Pintu Kumar son of Late Yogendra Prasad Village- Barnausa Ps- Silao Dist-
Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 63279 of 2023

Arising Out of PS. Case No.-92 Year-2023 Thana- JHAJHA RAIL P.S. District- Lakhisarai

Md. Ejaj Hussain son of Md. Hussain Village- Shujawalpur Po- Shankarpur
Ps- Muffasil Dist- Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 65570 of 2023

Arising Out of PS. Case No.-92 Year-2023 Thana- JHAJHA RAIL P.S. District- Lakhisarai

Deepak Kumar S/o Dinesh Ram R/o Village- Sadanandpur, P.S- Baliya,
Distt.- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar



... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 67524 of 2023

Arising Out of PS. Case No.-92 Year-2023 Thana- JHAJHA RAIL P.S. District- Lakhisarai

Tanik Verma @ Ramchandra Pd. Verma Son of Late Chiroungi Prasad Varma
R/o Dharmaroychak, ward no.06, P.S.- Lakhisarai Town,Distt. - Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 61934 of 2023)
For the Petitioner/s : Mr. Aman Vishal, Advocate
For the Opposite Party/s : Mr. Ganesh Prasad Singh, APP
(In CRIMINAL MISCELLANEOUS No. 62186 of 2023)
For the Petitioner/s : Mr. Sudhir Kumar, Advocate
For the Opposite Party/s : Mr. Nitya Nand Tiwary, APP
(In CRIMINAL MISCELLANEOUS No. 63279 of 2023)
For the Petitioner/s : Mr. Abdul Mannan Khan, Advocate
Mr. Binay Kumar, Advocate
For the Opposite Party/s : Mr. Navin Kumar Pandey, APP
(In CRIMINAL MISCELLANEOUS No. 65570 of 2023)
For the Petitioner/s : Mr. Ujjwal Kumar, Advocate
For the Opposite Party/s : Mr. Anil Kumar, APP
(In CRIMINAL MISCELLANEOUS No. 67524 of 2023)
For the Petitioner/s : Mr. Rakesh Kumar, Advocate
For the Opposite Party/s : Mr. Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

10 18-07-2024 Heard learned counsel for the petitioners and
learned Additional Public Prosecutor for the State.

2. Petitioners seek bail where petitioner nos. 1, 2, 3
and 4 are in custody since 01.04.2023 and petitioner no. 5 is in
custody since 31.03.2023 in connection with Rail/Jhajha P.S.
Case No. 92 of 2023, F.I.R. dated 31.03.2023 for the offences
punishable under Sections 395 and 120B of the Indian Penal



Code but the police has Investigating Officer has submitted charge sheet for the offences under Sections 395, 412, 417, 420 and 120B of the Indian Penal Code.

3. According to prosecution case, these petitioners along with other accused persons have looted the trolley bags of the informant which was loaded with cash at Jhajha Railway Station. It is further alleged that the petitioner no. 5 threatened the informant and thereafter, they all fled away with the said bags.

4. Learned counsel for the petitioners submits that all the petitioners have clean antecedent except petitioner no. 5, namely, Tanik Verma and they have falsely been implicated in the present case. They further submits that as per allegation in the F.I.R, the petitioners are alleged to have looted the trolley bags of the informant fully loaded with cash. They further submits that it appears from the F.I.R that the date of occurrence as alleged is 29.03.2023 but the present F.I.R has been instituted on 31.03.2023 i.e. after delay of 2 days without giving any explanation of the said delay. They further submits that petitioners namely, Chandan Kumar, Pintu Kumar, Md. Ejaj Hussain and Deepak Kumar are posted as Constable in Railway Police and they have no concern at all with the alleged



occurrence. They further submits that it is evident from the F.I.R itself that no incriminating/looted articles have been recovered from the possession of the petitioners and they have been made accused in the present case merely on the ground that they were seen in the CCTV footage and apart from that the CDR of the petitioners also suggests that were regularly in touch with each other. They further submits that till date no T.I.P. has been conducted by the prosecution and the police after investigation submitted the charge sheet against the petitioners. He further submits that similarly situated, co-accused, namely, Prakash Singh @ Prakash Patel has been granted anticipatory bail by a Co-ordinate Bench of this Court vide order dated 18.10.2023 passed in Cr. Misc. No. 64036 of 2023 and another co-accused, namely, Rasha Javed Kirmani @ Sara Madam has been granted anticipatory bail by this Court vide order dated 10.04.2024 passed in Cr. Misc. No. 83658 of 2023. The petitioner nos. 1, 2, 3 and 4 are in custody since 01.04.2023 and petitioner no. 5 is in custody since 31.03.2023.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners and submits that the tower location as well as CDR of the petitioners suggests that they were involved in the present crime in question



and apart from that the CCTV footage also reveals that the petitioners were present at the place of occurrence. He further submits that the petitioner no. 5, namely, Tanik Verma carries two criminal antecedents other than the present one but fairly submits that the petitioner has been acquitted from all the charges by the trial Court itself.

6. Considering the aforesaid facts and circumstances and the fact that the petitioners have clean antecedent except petitioner no. 5, namely, Tanik Verma, no incriminating/looted articles were recovered from the possession of the petitioners and all the petitioners are Constable in Railway Police except petitioner no. 5, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Railway Judicial Magistrate, Rail Kiul, Rail Jamalpur (Bihar) in connection with Rail/Jhajha P.S. Case No. 92 of 2023, subject to the following conditions:-

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



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

iii. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

Vanisha/-

U		T	
---	--	---	--

