

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80993 of 2024

Arising Out of PS. Case No.-43 Year-2024 Thana- Rail Jaynagar District- Samastipur

1. Sanjeev Kumar @ Lalu Singh Son of Shailesh Kumar Singh village- Puchhari, Po and Ps- Baniyapur, Dist- Saran
2. Navneet Prajapati @ Navneet Kumar @ Navneet Son of Subhash Prajapati village- Bhujauli, Po and ps- Hetimpur, Dist- Deoria,

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhigyan Kumar, Advocate
For the Opposite Party/s : Mr. Rabindra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 26-11-2024 Heard Mr. Abhigyan Kumar, learned counsel for the
petitioners and Mr. Rabindra Kumar, learned APP for the State.

2. The petitioners are in custody in connection with Rail Jaynagar P.S. Case No. 43 of 2024 for the offence under Sections 181(2), 191(3), 190, 115(2), 118, 109, 303(2), 3(5) of the Bhartiya Nyay Sanhita, 2023 lodged on 25.10.2024 by the informant, Lalit Kumar.

3. As per the prosecution story, on the petty issue of demanding water bottle in train, the informant was threatened at Delhi Station itself that on reaching Jaynagar Station, he will be thrashed. It so happened that the person traveling informed the Jaynagar associates whereafter the assault took place. The



injuries are there which led to the F.I.R.

4. Learned counsel for the petitioners submits that they are not Ratan Ram who was traveling in the train, just were present on the station but in the said melee, got implicated. Further, both do not have criminal antecedent and are in custody since 06.10.2024 (para-4 of the petition). Though injuries are there, it has been found to be simple in nature. Further, the last submission is that without accepting the allegation and/or the outcome of the present petition, the petitioners on it own would like to contribute Rs. 5,000/- by each, jointly to the informant as well as in the name of Indian Railway through Demand Draft issued by the local State Bank of India branch to be submitted before the concerned Trial Court.

5. Learned APP opposes the prayer for bail submitting that assault took place and injuries are also there.

6. Considering the submission put forwarded by the parties, it is unfortunate that on a petty issue of demand of water bottle, assault took place which resulted into lodging of F.I.R. thus increasing the criminal cases in the country, in the present case, the main allegation is against Ratan Ram, these two petitioners do not have criminal antecedent and are in judicial custody since 06.10.2024, this Court is inclined to extend them



the privilege of bail subject to payment of Rs. 5,000/- by each of them (totaling Rs.10,000/-), jointly to the informant (Rs.5,000/-) as well as in the name of Indian Railway (Rs.5,000/-) as undertaken by the learned counsel for the petitioners to be paid by Demand Draft of local State Bank of India to be submitted to the Trial Court.

7. Let the petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate (Railway), Samastipur in connection with Rail Jaynagar P.S. Case No. 43 of 2024 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioners who shall provide official document to show his bona fide;

(ii) the petitioners shall appear on each and every date before the Trial Court and the failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bonds by the Trial Court itself;

(iii) the petitioners shall appear before the concerned police station every fortnight for next six months to mark their attendance;

(iv) the petitioners shall in no way try to induce or



promise or threat the witnesses or tamper with the evidences,
failing which the State shall be at liberty to take steps for
cancellation of bail bonds.

(v) the petitioners shall desist from committing any
criminal offence again, failing which the State shall be at liberty
to take steps for cancellation of their bail bonds.

(Rajiv Roy, J)

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