

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3041 of 2024

Arising Out of PS. Case No.-15 Year-2023 Thana- KIUL RAIL P.S. District- Lakhisarai

Harimausam Kumar alias Hari Mosam Kumar, aged about 24 years, male, son
of Ranjeet Kumar, resident of Dhiradar, Juas, PS- Barahia, Dist- Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Shanker Pankaj, Advocate

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 07-02-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner apprehends arrest in connection with
Rail Kiul PS Case No.15 of 2023 dated 08.02.2023, instituted
under Sections 395 of the Indian Penal Code.

3. The prosecution case, in brief, is that on
06.02.2023, the informant was travelling in the train from
Kahalgaoon to Samastipur. When the train reached at Mankatha
station on 07.02.2023 at about 3 o' clock, 7-8 miscreants entered
in the train and started looting personal belongings of the
passengers such as cash, mobiles etc. on the point of pistol.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has been falsely implicated in this
case. Petitioner is not named in the FIR. FIR has been registered
against unknown. Petitioner has been made accused only on the



basis that co-accused, Monu Kumar, was using the SIM issued in the name of the petitioner. It is further submitted that Monu Kumar is co-villager of the petitioner, who was keeping the SIM purchased in the name of the petitioner. Nothing incriminating article has been recovered either from conscious possession or from the house of the petitioner. Confessional statement of other co-accused also does not disclose the name of the petitioner. Lastly, it is submitted that the petitioner has one criminal case against him.

5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned RJM, Kiul, Lakhisarai, in Rail Kiul PS Case No.15 of 2023, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

7. The application stands allowed.

(Khatim Reza, J)

J. Alam/-

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