

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34031 of 2016

Arising Out of PS.Case No. -5 Year- 2016 Thana -SARAN GRP CASE District- SARAN

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1. Mahtab Alam Son of Khair Mohammad, resident of Village- Andwari,
P.S.- Pathawari (Panwari) District- Kishanganj.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Awadhesh Kumar Singh

For the Opposite Party/s : Mr. Sri Nirmal Kumar Sinha

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 27-09-2016 Heard learned counsel for the petitioner and the State.

The petitioner is in custody in a case registered under
Sections 328,379/34 of the Indian Penal Code.

The prosecution case, in brief, is that on 22.01.2016
while he and his brother –in-law was coming from Delhi to Araria
through Kamakhya Express, some of the passengers who were
sitting near his berth gave cold drink to him and his brother-in-
law, they became unconscious and found that they were at
Kishanganj Railway Station where they were treated and found
that his belongings including ATM Card and Rs. 83,000/-were
stolen, subsequently a message has been received on his mobile
that purchase has been made for a sum of Rs. 35,000/- by using
his ATM card.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 27.03.2016. Charge sheet has been submitted in this case. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner is not named in the FIR. In course of investigation a suspicion has been raised against the petitioner. There is no recovery of any incriminating article from the possession of the petitioner.

On behalf of the State, it has been submitted that the petitioner is not named in the FIR.

Considering the facts and circumstances of the case, let, above named petitioner, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Railway Judicial Magistrate, Sonapur, Saran in connection with Chapra Rail P.S.Case No. 05 of 2016.

(Sudhir Singh, J)

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