

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37883 of 2016

Arising Out of PS.Case No. -21 Year- 2015 Thana -KHAGARIA GRP CASE District- KHAGARIA

1. Pawan Yadav Son of Sri Shiv Yadav Resident of Village- Jhandapur,
Police Station- Bihpur, District Bhagalpur. Petitioner

Versus

1. The State of Bihar Opposite Party

Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Giri, Advocate

For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

2 20-09-2016

Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner seeks bail in connection with Naugachhiya Rail
P.S. Case No. 21 of 2015 registered for the offences punishable under
Sections 461, 382, 411, 307, 353/34 of the Indian Penal Code and
Section 27 of the Arms Act.

Allegedly, ten bundles of sweater was stolen away from the SLR
bogie of Amrapali Train between Naugachhiya and Kharik Railway
Station by unknown miscreants and when the Police personnel directed
the culprits to stop who were fleeing away, they opened firing upon the
Police party and managed to escape taking the benefit of darkness.

Submission is of false implication and that there is no material
against the petitioner in the case diary as is evident from the impugned
order itself. The petitioner is not named in the FIR and nothing has been
recovered from his conscious possession. The case of the petitioner is
similar to co-accused Md. Bablu who has been allowed bail vide Cr.

Misc. No. 17406 of 2016 by another co-ordinate Bench of this Court and the petitioner is suffering in custody since 13.06.2016 to which the learned APP opposes.

In the facts and circumstances stated above, considering the detention of the petitioner, chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence and further liberty was granted to the petitioner by learned court below to renew his prayer for bail after two months in the court below itself, the petitioner above named is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Railway Judicial Magistrate, Khagaria in connection with Naugachhiya Rail P.S. Case No. 21 of 2015, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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