

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24193 of 2016

Arising Out of PS.Case No. -19 Year- 2016 Thana -GAYA GRP CASE District- GAYA

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1. Raju Pandey son of Vijay Pandey, resident of village Tirojpur, P.S.-
Durgawati District- Bhabhua (Kaimur)

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nand Kishore Prasad Sinha

For the Opposite Party/s : Mr. Anant Kumar (App)

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**CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD
VERMA**
ORAL ORDER

2 01-06-2016

Heard the parties.

The petitioner seeks bail in a criminal prosecution
registered under Sections 379 and 411 of the Indian Penal Code.

Learned counsel for the petitioner submits that the
petitioner was a bona fide passenger in the train and on suspicion
he was apprehended there by the police. He further submits that
the alleged stolen money of Rs.9000/- was returned to the fellow
passenger. He further submits that the learned Sessions Judge
while rejecting the prayer for bail of the petitioner has made an
observation that the petitioner may renew his prayer for bail after
two months and after the aforesaid order was passed by the
learned Sessions Judge, the petitioner has remained in jail for
some more time and, therefore, the petitioner is entitled for bail.

The learned A.P.P., appearing on behalf of the
State, though, has opposed the prayer, but has not been able to
controvert the aforesaid submissions.

Be that as it may, taking into consideration the
period of incarceration already undergone by the petitioner since
18.03.2016, this Court is inclined to accede to the prayer made
on behalf of the petitioner for grant of bail.

Let the above named petitioner be released on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Railway Judicial Magistrate, Gaya in connection with Rail Sasaram (Dehri) G.R.P. Case No. 19 of 2016 subject to the conditions that :

(A) one of the bailors must be a government servant,

(B) the other bailor shall be either family member or close relation of the petitioner, who will file an affidavit in the court below showing his/her relationship with the petitioner,

(C) if the petitioner is found involved in same and similar nature of cases in future, then in that case, the informant/prosecution shall be at liberty to file a petition for cancellation of bail bond of the petitioner, and if such a petition is filed, the court below would be obliged to dispose of the same in accordance with law after giving an opportunity of hearing to all concerned, and

(D) the petitioner shall make regular pairvi in the court below in the present case either by appearing himself in person or through representation by his lawyer on each and every dates, and if on two consecutive dates petitioner fails to make pairvi, then the court below shall be at liberty to cancel the bail bond of the petitioner.

(Birendra Prasad Verma, J)

Amin/-

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