

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.51955 of 2016

Arising Out of PS.Case No. -2 Year- 2000 Thana -BEGUSARAI GRP CASE District-
BEGUSARAI

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1. Wakil Bind @ Wakil Mahto @ Langra Son of Narayan Mahto resident
of village - Ganga Prasad Bind Toli, P.S. Barauni, District - Begusarai

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Sumiran Rai, Advocate

For the Opposite Party/s : Mr. Tarun Prasad Mandal, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 14-12-2016 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

Petitioner is languishing in judicial custody since
26.08.2016 in connection with Barauni Rail P.S.Case No. 02 of
2000 registered for the offence punishable under Section 395 of
the Indian Penal Code.

The prosecution case as lodged by one Ranvir Kumar
on 05.01.2000 is that at the time of traveling by train no. 4083 of
Mahananda Express in coach No. 1, birth No. 62, 6-7 young
persons, aged about 25-30 years came and on the point of pistol
started assaulting and snatching watch, cash and other belongings
and after investigation charge sheet was only submitted against



Vijay Rai @ Vijay Mahto, whose confessional statement was made and thereafter cognizance was taken against other accused persons.

It has been submitted by the learned counsel for the petitioner that he is not named in the F.I.R. and it is only on the confessional statement of one Vijay Mahto @ Vijay Ray that his name surfaced during investigation. He further submits that final form was submitted and the case was not found true but the learned Magistrate issued summons for appearance of the petitioner but the same was not served on him and after coming to his knowledge, he suo motu surrendered on 26.08.2016. He submits that there is no criminal history against him and nothing has been recovered from his conscious possession and that charge sheet has already been submitted, hence, there is no chance of tampering with the prosecution evidence.

However, learned A.P.P. for the State opposes the prayer for bail.

Be that as it may, since charge sheet has been submitted against the petitioner, let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Railway Judicial Magistrate, Barauni in connection



with Barauni Rail P.S.Case No. 02/2000 with a condition that the petitioner will file an undertaking duly supported by his personal affidavit before the Trial Court and he will appear physically before the Court below on each and every date till the disposal of the case and in case of failure to appear on two consecutive dates without giving any reasonable explanation, this liberty granted will be deemed to be cancelled.

With these observations and directions, this bail application is allowed.

(Nilu Agrawal, J)

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