

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25703 of 2017

Arising Out of PS.Case No. -6 Year- 2016 Thana -BACHHWARA RAIL P.S. District-
BEGUSARAI

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Manoj Mahton S/o Late Bisheshwar Mahton Resident of Village -
Kalyanpur Basti, P.S. - Mohiuddin Nagar, District - Samastipur.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binod Kumar, Advocate

For the Opposite Party/s : Mr. Akbar Ali, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 16-08-2017 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

Petitioner is languishing in judicial custody since
21.01.2017 in connection with Bachhwara Rail P.S. Case No. 06
of 2016 registered for the offence punishable under Section 395 of
the Indian Penal Code.

The prosecution case, as lodged by the informant, is
that he boarded the train for going to Katihar and when it started
from Patory Railway Station, 10 to 12 persons started snatching
watch, cash, bag and mobiles and other articles and thereafter they
jumped from train. It is alleged by the informant that one of the
miscreants took away his purse containing Rs. 2,000/- and some



papers.

It has been submitted by the learned counsel for the petitioner that he is innocent, not named in the First Information Report, nothing has been recovered from his conscious possession and his name surfaced on the confessional statement of co-accused, Parwej Alam and Rajesh Sah before the police, which has no evidentiary value in the eye of law. He submits that another co-accused has since been granted the privilege of bail by this Court in Cr. Misc. No. 27354 of 2017 on 26.07.2017. He further submits 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 stating therein that the petitioner was identified in the Test Identification Parade and has one criminal antecedent for similar nature of offence.

Considering the facts and circumstances and the materials on record, 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 Additional Chief Judicial Magistrate, Railway, Barauni in connection with Bachhwara Rail P.S. Case No. 06 of



2016, subject to the condition that one of the bailors would be a close relative of the petitioner having sufficient immovable properties within the jurisdiction of the concerned P.S./ Court, who would file an affidavit stating his relationship with the petitioner and that petitioner will appear before the learned Court below on each and every date and failure to appear before the learned Court below on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

It is further made clear that if in future, petitioner indulges in similar nature of offence, the prosecution will be at liberty to move before the learned Court below for cancellation of his bail bonds.

(Nilu Agrawal, J.)

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