

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26032 of 2017

Arising Out of PS.Case No. -1 Year- 2017 Thana -SIWAN GRP CASE District- SIWAN

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1. Naushad Alam Son of Noor Mohammad, resident of Village- Sik Tolwa,
(Bhojpurwa), P.S.- Majhagarh, District- Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bijay Prakash Singh, Advocate

For the Opposite Party/s : Mr. Murli Dhar, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 25-07-2017 Heard learned counsel for the petitioner and learned APP
for the State.

Petitioner is languishing in judicial custody since
06.01.2017 in connection with Rail Siwan (Thawe) P.S. Case No. 01 of
2017 in N.D.P.S. Tr. Case No. 92 of 2017 for offences punishable
under Sections 328, 307, 379, 411 and 34 of the Indian Penal Code and
under Sections 20/22 of the N.D.P.S. Act.

The prosecution case as lodged by the informant is that
while he boarded a train at Sipara Station some passengers gave him
bhujia to eat, resultantly he became unconscious and the accused
persons stole money and his belongings. The next day while returning
he was waiting in waiting room, the informant found the same person
(petitioner) sitting, on which he informed the Rail police. On search
stolen articles of the informant was found in the possession of the



petitioner.

It has been submitted by the learned counsel for the petitioner that he is innocent, has no criminal antecedent and has been falsely implicated in this case. It is further submitted that charge-sheet has already been submitted, hence, there is no chance of tampering with the prosecution evidence.

However, learned APP for the State submits that the petitioner is named in the FIR and was caught red-handed with drugs and stolen articles, hence, vehemently opposes the prayer for bail.

Considering the facts and circumstances of the case and the materials on record, let the petitioner, above named, be enlarged 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 1st Additional District and Sessions Judge, Siwan in connection with Rail Siwan (Thawe) P.S. Case No. 01 of 2017 in N.D.P.S. Tr. Case No. 92 of 2017, subject to the condition that one of the bailers would be a close relative of the petitioner, who would have sufficient immovable property within the jurisdiction of the concerned police station, who will file an affidavit stating his relationship with the petitioner and that petitioner will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his



bail bonds and further if the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the learned court below for cancellation of his bail bond.

(Nilu Agrawal, J)

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