

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27354 of 2017

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

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Kutumba @ Wakil Das, Son of Bansidas, Resident of Village- Chandpura
Gandhichauk, Police Station- Desri, District- Vaishali.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Awadhesh Kumar Singh, Advocate

For the Opposite Party/s : Mr. Pramod Kumar Pandey, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 26-07-2017 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

Petitioner is languishing in judicial custody since
30.01.2017 in connection with Bachwara 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 and his name surfaced on the confessional statement of co-accused, Praveer Alam and Rajesh Sah, which has no evidentiary value in the eye of law. 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 submits that petitioner was identified in the Test Identification Parade and that he has a criminal antecedent of similar nature of offence.

Be that as it may, 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 Railway Judicial Magistrate, Barauni in connection with Bachwara 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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