

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39072 of 2017

Arising Out of PS.Case No. -166 Year- 2017 Thana -GAYA RAIL P.S. District- GAYA

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Md. Firoj, S/o Md. Salim, Resident of Munsitola, P.S.-Hisua, District-
Nawada

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Sri Bharat Bhushan, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL ORDER

2 19-08-2017

Heard learned counsel for the petitioner and learned
APP for the State.

This is a case registered under Section 414 of the
Indian Penal Code.

The prosecution case is that during the routine
patrolling duty the police apprehended the instant petitioner from
Platform no. 3, at Gaya Railway Station as he was found to be
suspicious. On search three mobile sets and Rs. 13000/- were
recovered from the possession of the petitioner.

Counsel for the petitioner submits that he was a bona
fide passenger and that recovered mobile and cash belong to the
petitioner and only on suspicion he has been arrested for which he
is in custody since 08.06.2017. He further submits that prior to the
instant case the petitioner has no criminal history.



In the facts and circumstances of the case, prayer for bail of the petitioner is allowed. Let the petitioner above named be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Railway Magistrate, Railway Court, Gaya in Gaya Rail P.S. Case No. 166 of 2017 subject to the conditions :

- (i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.
- (ii) That the affidavit shall clearly state that the petitioner is not an accused in any other case and if he is, he shall not be released on bail.
- (iii) That the bailor shall also state on affidavit that he will inform the court concerned if the petitioner is implicated in any other case of similar nature after his release in the present case and thereafter, the court below will be at liberty to initiate the proceeding for cancellation of bail on the ground of misuse.
- (iv) That the Petitioner will give an undertaking that he will receive the police papers on the given date and be



present on date fixed for charge and if he fails to do so on two given dates and delays the trial in any manner, his bail will be liable to be cancelled for reasons of misuse.

- (v) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled.

(Madhuresh Prasad, J)

Prakash/-

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