

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55988 of 2017

Arising Out of PS.Case No. -157 Year- 2017 Thana -GAYA RAIL P.S. District- GAYA

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Akabar son of Md. Kalam, resident of Mohalla-Munni Masjid, P.S.
Rampur, District-Gaya.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vinod Kumar

For the Opposite Party/s : Mr. Sri Bharat Lal

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 04-12-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
30.05.2017 in connection with Gaya Rail P.S. Case No. 157 of
2017 for offences punishable under Section 414 of the Indian
Penal Code.

The prosecution case, as lodged by the rail police, is
that the petitioner was caught red handed and from his possession
three mobiles which were stolen ones, were recovered.

It has been submitted by the learned counsel for the
petitioner that he is innocent and has been falsely implicated in the
aforesaid case. He submits that charge-sheet has already been
submitted and there is no allegation of tampering of the
prosecution witnesses by the petitioner.



However, learned APP for the State opposes the prayer for bail stating therein that the petitioner does not have a clean antecedent and one more case of similar nature is pending against him.

Considering the facts and circumstances and the materials on record, let 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 Judicial Railway Magistrate, Railway Court, Gaya in connection with Gaya Rail P.S. Case No. 157 of 2017, subject to the conditions that:

- (1) One of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.
- (2) 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 bonds.

(Nilu Agrawal, J)

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