

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34166 of 2017

Arising Out of PS.Case No. -14 Year- 2015 Thana -KHAGARIA RAIL P.S. District- KHAGARIA

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1. Md. Shahid, S/o Late Md. Kabir, resident of Village- Mubarakpur
Fulkari, P.S.- Birpur, District- Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar

For the Opposite Party/s : Mr. Manoj Kumar

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 17-10-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
05.08.2016 in connection with S.T. No. 360 of 2016, arising out of
Rail Khagaria P.S. Case No. 14 of 2015 for offences punishable
under Section 307 and other allied Sections of the Indian Penal
Code.

The prosecution case, as lodged by the informant, is
that while he was returning home from Ludhiana in train one
miscreant offered him Khajur as a result he slept. On waking up he
found the entire money, which he had earned, his mobile and all
articles stolen. Similarly, theft was committed of all articles of
other passengers too.



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 only on the confessional statement of co-accused Keshav Kumar @ Kaju and his own confessional statement. He submits that Keshav Kumar @ Kaju has since been granted privilege of bail by a coordinate Bench of this Court in Cr. Misc. No. 20543 of 2016 on 19.05.2016 and no Test Identification Parade has been done so far. He further 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 along with his gangmen used to administer activan tablets on the passengers and committed loot of similar kind and as many as nine cases are pending against him mostly of similar nature.

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 Addl. Sessions Judge 4th, Khagaria, in connection with S.T. No. 360 of 2016, arising out of Rail Khagaria P.S. Case No. 14 of 2015, subject to the following conditions :



- (i) Both the bailors would be close relatives of the petitioner having sufficient immovable property, who will file an affidavit stating their relationship with the petitioner.
- (ii) 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.
- (iii) 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)

Rajesh/-

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