

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38855 of 2018

Arising Out of PS.Case No. -29 Year- 2016 Thana -SAMSTIPUR RAIL P.S District-
SAMASTIPUR

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1. Ram Bali Rout son of Late Ram Swarath Rout, resident of Village-
Babuaganj, Police Station- Khagaria, District- Khagaria.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rana Sanjay Kumar Singh

For the Opposite Party/s : Mr. Sri Chandrasen Prasad Singh

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

5 05-09-2018 Petitioner is permitted to correct the period of custody

as the petitioner submits that although in the impugned order the

date of custody is typed as 13.06.2017 but the petitioner was

arrested on 12.06.2016. Hence, he is in custody since

13.06.2016.

Heard learned counsel for the petitioner and learned

APP for the State.

Petitioner seeks bail in connection with Sessions Trial

No. 399 of 2017 which was initially registered as G.R.P.S.

Barauni Case No. 00/16 and later on forwarded to SHO, G.R.P.S.

which was then registered as G.R.P. (Rail) Samastipur P.S. Case

No. 29 of 2016 for offences punishable under Sections

328/307/379/341/323/411/34 of the Indian Penal Code. Later on



Section 414 of the Indian Penal Code has been added.

The prosecution case, as lodged by the informant, is that while he was traveling in a handicapped boggy on 25.04.2016, three persons administered him maaza, thereafter, he became unconscious and his luggage and other important documents including ATM card was stolen. Accordingly, a seizure list has been prepared while petitioner was found in the railway platform and mobile was seized from his possession.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history and although the date of occurrence is 25.04.2016 the FIR has been lodged after inordinate delay on 02.06.2016 and no plausible explanation has been given for such delay. He further submits that nothing has been recovered from the possession of the petitioner, the mobile seized belonged to the petitioner and other co-accused have been granted privilege of bail by the learned court below itself. The petitioner is languishing in judicial custody since more than two years.

However, learned APP for the State opposes the prayer for bail.

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 2nd Additional Sessions Judge, Samastipur, in connection with Sessions Trial No. 399 of 2017 arising out of G.R.P. (Rail) Samastipur P.S. Case No. 29 of 2016, 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) 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.

(Nilu Agrawal, J)

Devendra/Priyanka

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