

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.74318 of 2018

Arising Out of PS. Case No.-207 Year-2017 Thana- BAKHTIYARPUR RAIL P.S. District-
Patna

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SHAMBHU PANDEY @ SHIVA PANDEY @ SHIVA PADDEY, Son of
Parmeshwar Pandey @ Pathlu Pandey, Resident of Village - Naya Tola
Bariyarpur, Police Station Bakhtiyarpur, Distt.-Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sudhir Kumar Bijpuria

For the Opposite Party/s : Ms. Pushpa Sinha

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 17-12-2018

Heard learned counsel for the parties.

Petitioner seeks bail in Bakhtiyarpur Rail P.S. Case
No.207/2017 registered for the offence punishable under
Sections 356 and 379 of the Indian Penal Code.

Informant has alleged that while he was going by train,
one of the three accused persons, gave a blow from Towel
upon him and his mobile phone fell down and when he asked
them to return his mobile they refused to return the same.
However, they returned his sim on demand. Thereafter, the
informant, went to G.R.P. who reported the matter and from the
local people, name of three accused has been disclosed as
Deepak Kumar, Shambhu Kumar and Shakti Kumar.

It has been submitted on behalf of the petitioner that he



has falsely been implicated in this case merely on suspicion. It has further been submitted that co-accused, Shakti Kumar has already been granted bail by the court below itself. Petitioner is in custody since 18.03.2018.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned A.C.J.M., Railway, Patna in connection with Bakhtiyarpur Rail P.S. Case No.207/2017, with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the court below.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(S. Kumar, J)

Sanjay/-

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