

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.58729 of 2018

Arising Out of PS.Case No. -39 Year- 2018 Thana -MOTIHARI RAIL P.S. District-
WESTCHAMPARAN(BETTIAH)

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Rakesh Sah, Son of Shambhu Sah, Resident of Village- Bhatauliya, Back of
School, Police Station Belsand, District- Sitamarhi, At present resident of
Village- Harkuwa, Ward No.12, P.S.- Gopalpur District- Gopalganj.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Lalan Kumar Verma

For the Opposite Party/s : Sri Kumar Virendra Narayan

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

2 06-10-2018 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner, who is in custody since 05.06.2018,
seeks bail in connection with Motihari Rail P.S. Case No. 39 of
2018 registered for the offences punishable under section 401, 414
of the Indian Penal Code and section 147 of the Indian Railways
Act (later on section 177 of the Indian Penal Code was added)

As per FIR, police party in course of duty
apprehended seven persons including this petitioner and on search
police recovered one knife, one blade and one mobile-phone.

It has been submitted that no incriminating material
has been recovered from the possession of the petitioner. He has



clean antecedent except one case vide Motihari Rail Police Station Case No. 29 of 2008 registered for offence under sections 379 and 411 of the Indian Penal Code in which he is on bail.

Considering the facts and circumstances of the case, the prayer for bail of the petitioner is allowed and he is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate, Railway Bettiah (West Champaran) in connection with Motihari Rail P.S. Case No. 39 of 2018, subject to the following conditions:-

- (i) One of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned Court.
- (ii) The petitioner will not induce any witness or tamper with the evidence.
- (iii) The petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court.

(Sanjay Kumar, J)

Mahesh/-

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