

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8020 of 2019

Arising Out of PS. Case No.-49 Year-2018 Thana- KHAGARIA RAIL P.S. District- Khagaria

BITTU KUMAR, aged about 24 years, Male, son of Ballam Mahto @ Ballam Patel, Resident of Village – Mathurapur, P.S. Khagaria, district Khararia
... Petitioner

Versus

The State of Bihar
... Opposite Party

Appearance :

For the Petitioner : Mr. Praveen Kumar Agrawal, Adv.
For the Opposite Party : Mr. Raj Ballabh Singh, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 13-02-2019 Heard the learned counsel for the petitioner and the learned counsel appearing for the State.

The petitioner is languishing in judicial custody since 10.10.2018 in connection with Khagaria Rail P.S. Case No. 49 of 2018 for the offences alleged under Sections 379 and 411 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is that while he was returning from the railway station one person snatched his mobile and another person snatched his associate's mobile. Next day the sim of the mobiles were found at some distance of the place of occurrence.

It has been submitted by the learned counsel for the petitioner that he is innocent, not named in the first information report and has been falsely implicated in the aforesaid case. It has, further, been submitted that charge sheet has already been submitted and the petitioner has suffered enough being in custody since more than four months.



However, the learned Additional Public Prosecutor for the State opposes the prayer for bail stating therein that the petitioner does not bear a clean antecedent and one more case of similar nature is against the petitioner.

Considering the facts and circumstances and the materials on record, let the petitioner, above named be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with Khagaria Rail P.S. Case No. 49 of 2018 to the satisfaction of the learned Additional Chief Judicial Magistrate, Rail, Khagaria, subject to the following conditions :

(i) 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.

(ii) 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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