

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19160 of 2019

Arising Out of P.S. Case No.-239 Year-2018 Thana- CHAPRA RAIL P.S. District- Saran

PINTU CHAUHAN @ THUTHA, aged about 30 years (Male), Son of Late Hira Chauhan Resident of Village - Ekma near Dakbunglow, P.S.- Ekma, Distt - Saran (Chapra).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Brij Kishor Mishra, Advocate

For the Opposite Party/s : Mr.Akshay Lal Pandit, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 01-04-2019 Heard the learned counsel for the petitioner and
learned counsel appearing on behalf of the State.

Petitioner is languishing in judicial custody since 29.11.2018 in connection with Chapra Rail P.S.Case No.239 of 2018 for the offence alleged under Sections 401 and 414/34 of the Indian Penal Code.

The prosecution case as lodged by the informant is that the petitioner and others were found in a suspicion condition near the railway station and on being chased they fled away except the petitioner who was apprehended and on search from his possession one mobile and one blade was recovered. Accordingly, a seizure list was prepared.

It has been submitted by the learned counsel for the



petitioner that he is innocent and has been falsely implicated in the aforesaid case. He submits that the mobile belonged to him and no overt-act has been alleged against the petitioner. Simply because he has a criminal antecedent, he has been made accused in the present case. He further submits that chargesheet has already been submitted, there being no allegation of tampering with the prosecution evidence and the petitioner is languishing in judicial custody since more than four months.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner bear a criminal antecedent and five more cases of similar nature are pending against him.

Considering the nature of allegations 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 Chapra Rail P.S.Case No.239 of 2018 to the satisfaction of learned Additional Chief Judicial Magistrate (Railway), Sonpur, District-Saran, 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) 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)

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