

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.25965 of 2019

Arising Out of PS. Case No.-40 Year-2019 Thana- GAYA RAIL P.S. District- Gaya

MD. GYASUDDIN, aged about 35 years, Male, Son of Md. Yakub Resident
of Mohalla- Anand Bhawan Lane Near Noor Maszid, P.S.- Plant- Side,
Raurkila, District- Sundargarh (Orissa) ... Petitioner

Versus

The State of Bihar

... Opposite Party

Appearance :

For the Petitioner : Mr. Ramashish, Adv.

For the Opposite Party : Mr. Rita Verma, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL ORDER

2 03-05-2019

Heard the learned counsel for the petitioner and the learned

Additional Public Prosecutor appearing for the State.

The petitioner is languishing in judicial custody since 18.02.2019 in connection with Gaya Rail P.S. Case No. 40 of 2019 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 travelling along with his wife from Howrah Jn. while reaching Mughalsarai Railway Station (Deen Dayal Upadhaya Railway Station, now) found that brown coloured bag of his wife, containing gold chain, ring and mangal sutra, stolen. The Railway Protection Force personnel came and informed that a brown coloured purse has been recovered, thereafter, the said purse was handed over to the informant with all the jewellery intact. The petitioner who was apprehended is alleged to have stolen the said purse.

It has been submitted by the learned counsel for the petitioner that he is innocent and for the same occurrence Gaya Rail P.S. Case No. 41 of 2019 had been lodged on the same day and apart from that the petitioner does not bear any criminal antecedent. He



submits that he has been sufficiently punished and is languishing in judicial custody since more than two months.

However, the learned Additional Public Prosecutor for the State opposes the prayer for bail.

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 Gaya Rail P.S. Case No. 40 of 2019 to the satisfaction of the learned Additional Chief Judicial Magistrate, Railway, Gaya, or the successor Court, 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)

Shamshad/-

U		T	
---	--	---	--

