

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.70440 of 2018

Arising Out of PS. Case No.-12 Year-2017 Thana- SASARAM RAIL P.S. District- Gaya

Babloo Sah, S/o Braham Dev Prasad, resident of Village - Kirihihi, P.S. Sasaram, District- Rohtas.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Vinod Kumar, Advocate
For the Opposite Party : APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

3 06-02-2019 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner apprehends his arrest for the offences alleged under Sections 341, 323, 325, 379, 504, 506 and 34 of the Indian Penal Code registered in connection with Sasaram Rail P.S. Case No. 12 of 2017.

3. It is submitted that the petitioner has been falsely implicated as evident from the very fact that the informant has alleged similar occurrence on two prior occasions but no FIR has been instituted earlier. It is submitted that the accusation of assault causing fracture injury on the leg of the informant is not supported from the injury report. From paragraph 25 of the case diary it appears that the petitioner has merely given undertaking under Section 41(A) of the Code of Criminal Procedure and no bail bond has been furnished. The petitioner claims clean antecedents.

4. Be that as it may, in the event of the petitioner's arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand)



with two sureties of like amount each to the satisfaction of learned Judicial Railway Magistrate, Gaya in connection with Sasaram Rail P.S. Case No. 12 of 2017 subject to the conditions as laid down under Section 438 (2) Cr.P.C. and with further conditions --

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(iv) That the petitioner shall cooperate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

BT/Chandran

(Vikash Jain, J)

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

