

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77305 of 2019

Arising Out of PS. Case No.-18 Year-2019 Thana- MOTIHARI RAIL P.S. District- West
Champaran

MD. NAIM Son of Ajamatullah Resident of Village- khairo, Police Station-
Saraiya in the district- of Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjeet Kumar, Adv.

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL ORDER

2 27-11-2019 Instant petition under Sections 439 and 440 of

Criminal Procedure Code has been moved for grant of bail in
F.I.R. No. 18 of 2019, dated 24.5.2019, registered at Police
Station Motihari Rail, under Sections 379, 411, 414/34 of the
Indian Penal Code.

I have heard learned counsel for the petitioner and
learned Additional Public Prosecutor for the State. I have also
perused the relevant record of the case, necessary for
adjudication of this petition.

Allegedly, the accused snatched the bag of the
informant's wife containing a laptop, two mobiles, cash on ATM
card, a passbook, certificates etc.

Allegations are denied by the bail applicant by



submitting that neither anything has been recovered from his possession nor any incriminating article has been recovered from his possession. His name stood transpired on the basis of the disclosure statement made by the co-accused. Prima facie also it appears that thus far no case against the petitioner is made out indicating his complicity in the alleged crime. Charge-sheet already stands submitted. No T.I.P. has been beld thus far. Co-accused in the present case has already been enlarged on bail.

It is submitted by learned counsel for the petitioner that the petitioner has roots in the society; is not likely to interfere in the investigation or influence any of the witnesses or destroy the evidence; is behind bars since 25.5.2019; no further custodial interrogation is required and he has fully cooperated in the investigation.

Prima facie, nothing is produced to highlight petitioner's direct involvement in the crime.

Thus, this Court is of the considered view that petitioner has made out a case for grant of bail. Possibility of false implication, as is so alleged by the petitioner, cannot be ruled out. Also, thus far save and except for naming the petitioner in the F.I.R., no evidence corroborative in nature



stands recorded by the police. Also, none has come forward to highlight the possible involvement of the petitioner in the crime. On what basis the Investigating Officer could link the accused to the crime is also not emanating from the record.

Be that as it may, having regard to the entirety of the facts and circumstances of the case, let the petitioner, named above, be released on bail on furnishing bail bond of Rs. 25,000/-(Twenty five thousand) with two sureties of like amount each to the satisfaction of learned Magistrate, Rail Bettiah, West Champaran in connection with Motihari Rail P.S. Case No.18 of 2019 on the following conditions:-

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

(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 bonds shall be liable to be cancelled by the learned court concerned.

(iv) 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.

Any observation made herein shall not be construed to be an expression on the merits of the matter.

Petition stands disposed of in the above terms.

(Sanjay Karol, CJ)

K.C.Jha/-

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