

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.79978 of 2019**

Arising Out of PS. Case No.-323 Year-2019 Thana- GAYA GRP CASE District- Gaya

1. Kabita Mistry Wife of Dilip Mistry @ Dilip Mistri
2. Dilip Mistry @ Dilip Mistri Son of Late Gopeshwar Mistry  
Both are Resident of Village and P.S. - Tollygunge, District- Calcutta  
(Kolkata), West Bengal

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

For the Petitioner/s : Mr.Manish Kumar No2, Advocate  
For the Opposite Party/s : Mr.Khurshid Anwar, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD**  
**ORAL ORDER**

2      05-12-2019                      Heard learned counsel for the petitioners and learned  
A.P.P. for the State.

Petitioners in the present case are seeking regular bail  
in connection with Gaya Rail P.S. Case No. 323 of 2019  
registered for the offences punishable under Sections 411 and 34  
of the Indian Penal Code.

Learned counsel for the petitioners submits that the  
petitioners are innocent and have falsely been implicated in this  
case. Learned counsel submits that nothing incriminating has  
been recovered from the possession of the petitioners.

Learned A.P.P. for the State has opposed the prayer for  
bail.

Considering the facts and circumstances of the case,



wherein it is submitted by learned counsel for the petitioner that there is no recovery from them and they are in custody since 16.08.2019 having no criminal antecedent, let the petitioners above named be released on bail in connection with Gaya Rail P.S. Case No. 323 of 2019 on furnishing of bail bond of Rs. 15,000/- (fifteen thousand) each with two sureties of the like amount each to the satisfaction of learned Railway Judicial Magistrate, Gaya, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

**(Rajeev Ranjan Prasad, J)**

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