

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 82685 of 2019**

Arising Out of PS. Case No.-5 Year-2019 Thana- NAUGACHHIYA RAIL P.S. District-
Khagaria

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Gopal Mehta @ Gopal Mahto aged about 28 years (Male), Son of Dudhnath Mehta Resident of Village - Babanganj, Ward No.10, P.S.- Kodha, Distt.- Katihar.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Binod Kumar

For the Opposite Party/s : Mr. Sanjay Kumar Sharma

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

2. 12-12-2019 Heard learned counsel for the parties.

The petitioner seeks bail in Naugachhiya Rail P.S.
Case No. 05 of 2019 registered for the offence under Sections
379/411 of the Indian Penal Code.

It is a case of theft of some valuable articles of
informant in train and petitioner's name has transpired during
investigation.

It is submitted on behalf of petitioner that petitioner
has falsely been implicated in this case. In fact, nothing has
been recovered from the conscious possession of the petitioner.
It is further submitted that petitioner is not named in the F.I.R.
During course of investigation, the looted mobile phone was
recovered from one Sonu Kumar, who disclosed the name of
petitioner, but in this respect, no T.I.P. was held. It is also



submitted that in this case, chargesheet has also been submitted and as such, there is no chance of tampering with the evidence against the petitioner and petitioner is in custody since 09-09-2019, having no criminal antecedent.

Considering the aforesaid facts and circumstances as well as nature of accusation, let the above named petitioner be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate Rail, Khagaria in connection with Naugachhiya Rail P.S. Case No. 05 of 2019 on the following conditions:

“(1) Petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present, as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail-bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.”

(Prabhat Kumar Singh, J.)

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