

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13076 of 2020

Arising Out of PS. Case No.-32 Year-2019 Thana- SAHARSA RAIL P.S District- Khagaria

MD. SADDAM Son of Md. Iliyaz Resident of Village - Vishanpur, Ward No.-
16, P.S.- Banmankhi, Distt.- Purnia.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Indrajit Kumar

For the Opposite Party/s : Mr.Sucheta Yadav

**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL ORDER

2 03-03-2020 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application for regular bail arises out of
Banmankhi Rail P.S. Case No. 32 of 2019, disclosing the
offences under Sections 379 and 411 of the Indian Penal Code.

Allegedly, when the petitioner was found taking away
the informant's Mobile phone, he was apprehended by the
informant and his companion. Thereafter, the petitioner was
taken to the Officials of RPF and on the basis of allegation to
the aforesaid effect, the First Information Report was lodged.

Learned counsel appearing on behalf of the petitioner
has submitted that the seizure list prepared two hours after the
time of occurrence cannot be relied upon at all for the reason



that as per the case of the prosecution itself, the petitioner was found fleeing away with the Mobile phone by private persons and private persons had apprehended them.

Considering the facts and circumstances and the statement made in paragraph 3 of the application that the petitioner has no criminal antecedent and is in custody since 21.10.2019, this application is allowed. Let the petitioner, above-named, be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand), with two sureties of the like amount each to the satisfaction of **learned Judicial Railway Magistrate, Khagaria**, in connection with **Banmankhi Rail P.S. Case No. 32 of 2019**, subject to the condition that the petitioner shall present himself before the Police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the court on two consecutive occasions, his bail Bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

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