

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85383 of 2019

Arising Out of PS. Case No.-16 Year-2019 Thana- NAUGACHHIYA RAIL P.S. District-
Khagaria

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AJIT MANDAL Son of Ajay Mandal Resident of Village - Jhiktia, P.S.-
Maheshkhunt, District - Khagaria.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Praveen Kumar Agrawal, Advocate

For the Opposite Party/s : Mr.Rita Verma, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 10-01-2020 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner in this case is seeking regular bail in
connection with Naugachiya Rail P.S. Case No. 16 of 2019
registered for the offences punishable under Section 379 IPC
subsequently added Section 414 of the Indian Penal Code.

Learned counsel for the petitioner submits that the
petitioner has been implicated in this case only on the basis of
disclosure made by a lady from whose possession the alleged
theft mobile was recovered saying that she had purchased the
same from this petitioner. It is stated that the petitioner has been
implicated in this case only due to his criminal antecedent, save
and except the aforesaid material, there is nothing to connect
this petitioner with the alleged offence. It is submitted that the



petitioner is in custody since 24.09.2019.

Learned APP has opposed the prayer for regular bail of the petitioner.

Considering the facts and circumstances of the case wherein it is the submission of learned counsel for the petitioner that he has been falsely implicated in this case only because he had a criminal antecedent of the same nature and that there is no recovery of stolen article either from the possession or house of this petitioner and further submission is that he has been made accused only on the basis of a statement of the lady who had produced a mobile saying that she had purchased the same from this petitioner, save and except that statement of the lady there is no other material to implicate the petitioner in the present case, the petitioner has remained in custody for more than three months and the investigation against him is complete, let the petitioner above named be released on bail in connection with Naugachiya Rail P.S. Case No. 16 of 2019 on furnishing of bail bond of Rs. 15,000/- (fifteen thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate Railway, Khagaria, 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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