

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31602 of 2020

Arising Out of PS. Case No.-89 Year-2019 Thana- BAKHTIYARPUR RAIL P.S. District-
Patna

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MUKESH KUMAR S/o Lagan Ray R/o Vill.-Saidabad, P.S.-Raghopur, Distt.-
Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satrudhan Kumar, Advocate

For the Opposite Party/s : Dr. Ajeet Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

5 22-03-2021 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner has filed the instant application for grant of anticipatory bail apprehending his arrest in connection with Bakhtiyarpur Rail P.S. Case no. 89/2019 registered for the offence under section 379 of the Indian Penal Code.

As per allegation in the first information report, while the train by which the informant was travelling was at the Bakhtiyapur Station, unknown accused persons stole the ladies bag of the informant's wife which included various articles including a Samsung mobile phone.

It is submitted by learned counsel for the petitioner that the first information report was registered against unknown. The name of the petitioner transpired in course of investigation



wherein it was stated that the petitioner was found using the stolen mobile phone. It is submitted that the allegations as levelled in course of investigation are false and concocted. The petitioner has no criminal antecedent.

The application for bail is opposed by learned Additional Public Prosecutor for the State.

Having heard learned counsel for the parties, from the records of the case it transpires that vide order dated 29.01.2021, besides the case diary, the antecedent report with respect to the petitioner had also been called for. A report contained in letter no. 1428 dated 17.2.2021 of the Superintendent of Police, Vaishali has been received. According to which the petitioner herein is also an accused in Raghapur (Rustampur O.P.) Case No. 135/19 dated 05.10.19 registered under section 30(a) of the Bihar Prohibition and Excise Act, 2016 wherein chargesheet no. 54/19 has been submitted on 19.10.19. In response to the same a supplementary affidavit has been filed on behalf of the petitioner today in Court. In paragraph no. 6 of the affidavit it has been stated that the petitioner herein and the accused of the aforesaid Raghapur (Rustampur O.P.) Case No. 135/19, although bear the same name but are different persons. While the petitioner is son of



Lagan Ray, the accused of the said case is son of Lalan Ray.

In the facts and circumstances of the case, the petitioner above named, in the event of his arrest or surrender in the Court below within a period of six weeks from today in connection with Bakhtiyarpur Rail P.S. Case no. 89/2019 is directed to be enlarged on bail on furnishing bail bond of Rs 10,000.- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Railway, Patna subject to the conditions as laid down in section 438(2) of Criminal Procedure Code subject to the following conditions:-

(I) Before enlarging the petitioner on bail, the learned Court below will get an inquiry conducted within three weeks of receipt of this order and confirm/verify the statement of the petitioner in the supplementary affidavit mentioned above that so far as the petitioner is concerned, he is son of Lagan Ray and the accused of Raghapur (Rustampur O.P.) Case No. 135/19 under section 30(a) of the Bihar Prohibition and Excise Act, 2016 who is son of Lalan Ray are two different persons.

(Partha Sarthy, J)

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