

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48490 of 2021

Arising Out of PS. Case No.-71 Year-2021 Thana- GAYA RAIL P.S. District- Gaya

1. Nandi Toraiye S/O Sanatan Toraiye Resident Of Narendrapur, P.S.- Rajapur, District- 24 Pargana, West Bengal
2. Gopal Baopari S/O Narayan Chandra Baopari Resident Of Toriya Rampur, P.S.- Narendrapur, South 24 Pargana, West Bengal
3. Sanjeet Sardar S/O Wakim Sardar Resident Of Kuta Bediya, P.S.- Mathurapur, District- South 24 Pargana, West Bengal
4. Bidhan Bairagi S/O Ranjan Bairagi Resident Of Sonarpur, P.S.- Sonarput, District- South 24 Pargana, West Bengal

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vinod Kumar

For the Opposite Party/s : Mr.Bhanu Pratap Singh APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 20-12-2021 Let the defects, if any, be removed within four weeks of the complete start of the Physical Court.

Heard learned counsel for the petitioners as well as learned Additional Public Prosecutor for the State.

Petitioners seek bail in a case registered in connection with Gaya Rail P. S Case No. 71 of 2021 for the offences punishable under Section 392 and 411 of the Indian Penal Code .

According to the prosecution case, while the informant Rekha Das was boarding train, one accused person



snatched her golden chain from her neck. She raised alarm and the accused person apprehended.

Learned counsel for the petitioners submits that petitioners have clean antecedent and they are not named in the F.I.R. petitioners were neither caught on the spot nor anything has been recovered from their conscious possession. It is further submits that petitioner's name have been transpired on the basis of confessional statement of co-accused Jaidu Mukerjee. After due investigation charge sheet has been submitted by the police for the offence punishable under section 395 and 411 of the I.P.C. Petitioners are rotting in jail custody since 07.04.2021.

The learned A.P.P opposed the prayer for bail of the petitioners.

Considering the aforesaid facts and circumstances as well as submissions of the parties and period of detention of the petitioners, let the petitioners, 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 Railway Judicial Magistrate, Gaya in connection with Gaya Rail P.S.Case No. 71 of 2021 ,subject to the following conditions;-



1. Petitioners shall co-operate 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

2. If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

4. Both the bailers shall be the resident of territorial jurisdiction of the court below.

(Rajesh Kumar Verma, J)

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