

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7629 of 2021

Arising Out of PS. Case No.-186 Year-2018 Thana- JHAJHA RAIL P.S. District- Lakhisarai

VISHAL MADHESHIYA SON OF RAJU PRASAD MADHESHIYA
RESIDENT OF VILLAGE- ITAUN, WARD No.- 9, P.S.- SALEMPUR,
DISTRICT- DEORIA (U.P.)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mayank Bilochan, Adv.

For the Opposite Party/s : Mr.H.A. Khan, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 02-09-2021 Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual court proceeding.

The petitioner seeks bail in connection with G.R.P. Jhajha
Rail P.S. Case No.186/2018, registered for the offence
punishable under Section 379 of the Indian Penal Code.

The prosecution case in brief is that some unknown
miscreants has stolen the ladies purse containing gold ornament,
mobile phone and Aadhar card of the informant from the
Gazipur City Express.

It is submitted by learned counsel for the petitioner that
petitioner is quite innocent and has not committed any offence
as alleged in the FIR. He has been falsely implicated in this case
due to wrongful gain and village politics. He is not named in the



FIR nor apprehended on the spot. The name of petitioner transpired in this case on the basis of SIM card issued in the name of petitioner which was used in the stolen mobile. The petitioner had lost the same SIM card before the occurrence but unfortunately had not lodged any complain or sanha. Except the call details of the lost SIM Card, no incriminating article has been recovered from the conscious physical possession of the petitioner. No TI parade has been conducted. The petitioner has five criminal antecedent and has been languishing in custody since 20.10.2020.

Learned APP for the State opposed the prayer for bail.

Considering the facts and circumstances of this case, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court of Rail Judicial Magistrate, Kiul, in connection with Rail Jhajha P.S. Case No.186/2018, subject to the following conditions:

(1) One of the bailors will be own close relative of the petitioner who will give on affidavit genealogy as to how he is relative to petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.



(2) The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

(3) The petitioner shall remain physically present in the court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(4) The petitioner shall co-operate with the investigation, if not already concluded and make himself available and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Anjani Kumar Sharan, J)

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