

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9175 of 2022

Arising Out of PS. Case No.-13 Year-2021 Thana- MOTIHARI RAIL P.S. District- West
Champaran

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Khairul Sheikh @ Md. Kherul Shekh S/O Late Majharul Sheikh R/O Village-
Paharganj, Udhava, P.S.- Rahdanagar, District- Sahebganj (Jharkhand)

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Upendra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 10-08-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

Heard learned counsel for the petitioner and the
learned APP for the State.

Petitioner seeks regular bail in connection with Rail
Motihari P.S. Case No. 13 of 2021 registered for the offences
under Sections 328, 307, 379 of the Indian Penal Code.

As per allegation, on the alleged day and time of the
occurrence the informant was travelling by a train and during
the course of travelling co-accused offered tea laced with
sedative material to the informant which was consumed by him
and thereafter he became unconscious and after that the accused



persons took away his golden chain, Titan watch, cash of Rs.5500/- and some documents from the possession of the informant and as per further allegation during the occurrence the co-accused who introduced himself as Ajit Kumar used mobile phone of this petitioner while making a call to the mobile number of informant.

The main submissions advanced by learned counsel Mr. Bimlesh Kumar Pandey for the petitioner are that as per the allegation made in the FIR the main role in the alleged occurrence is against co-accused who was alleged to have brought tea laced with intoxicated material and as per allegation the petitioner's mobile phone was simply used by the said co-accused while making a call to the mobile number of the informant and except this there is no allegation against him and after the petitioner's arrest the police did not recover any stole article from the possession of this petitioner and he has been languishing in jail since 24.10.2021. Further submission is that the petitioner was not put on Test Identification Parade after his arrest and the charge-sheet has been submitted against him. Further submission is that petitioner was not known to the co-accused and during the course of travelling he came in the contact of the co-accused and if the statement of this petitioner



taken by the police is deemed to be true even then the main allegation appears against co-accused.

Learned APP Mr. Upendra Kumar appearing for the State has opposed the bail prayer.

Heard both the sides and perused the FIR and the case diary of this case. As per paragraph No. 3 of petition this petitioner has clean antecedent and has been languishing in jail since 24.10.2021 and against him the investigation has been completed. During the investigation the police failed to recover any stolen article from the possession of this petitioner. Considering these facts as well as petitioner's custody period, in my view a lenient approach can be taken in respect of petitioner's prayer let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of concerned Court in Connection with Motihari P.S. Case No. 13 of 2021.

(Shailendra Singh, J.)

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