

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15369 of 2022

Arising Out of PS. Case No.-239 Year-2021 Thana- GAYA RAIL P.S. District- Gaya

Arjun Sao @ Kaila @ Arjun Saw, S/o Harinandan Sao Resident of Village -
Bambaba Bageshwari Pahsi, Ward No.- 06, P.S. - Delha, District - Gaya.
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vinod Kumar, Advocate
For the State : Mr. Ram Anurag Singh, A.P.P

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 25-08-2022 Heard Mr. Vinod Kumar, learned counsel appearing
on behalf of the petitioner and Mr. Ram Anurag Singh, learned
A.P.P. for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

The petitioner seeks regular bail in connection with
Gaya Rail P.S. Case No. 239 of 2021, for the offence punishable
under Sections 379, 411 and 414 of the Indian Penal Code.

The allegation against the petitioner is that he had
stolen bag of the informant, who was travelling from Howrah to
Agra. The incident took place at Gaya railway station. The
stolen mobile was recovered from the possession of the
petitioner's wife.

Learned counsel appearing on behalf of the petitioner
submits that petitioner has clean antecedent. The mobile phone



was recovered from the possession of his wife and not from his conscious possession. The mobile recovered was found abandoned and incidentally the same was picked up by the petitioner's wife which laid to the false implication of the petitioner, the petitioner was forced to confessed his guilt in Police custody. The petitioner is in custody since 01.12.2021.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner and submitted that the mobile was recovered from the possession of one co-accused who alleged that the petitioner was also the member of the gang involved in train dacoity.

Considering the aforementioned facts and circumstances of the case, nature of allegation made against the petitioner and the fact that the alleged mobile claimed by the informant was recovered from the possession of wife of petitioner. The petitioner has clean antecedent and he has remained in custody since 01.12.2021. Without going into the merits of the case, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 25000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Railway Magistrate, Gaya in connection with Gaya Rail P.S. Case No.



239 of 2021, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

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