

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27992 of 2021

Arising Out of PS. Case No.-72 Year-2020 Thana- MUZAFFARPUR RAIL P.S. District-
Saran

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MAHESH KUMAR, S/o Ganaur Chaudhary R/o Village- Maripur (Under the
Over Bridge), Mai Asthan, Ward No. 8, P.S.- Kazi Muhamadpur, District-
Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rajeev Ranjan No.Ii

For the Opposite Party/s : Mr. A.G

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 27-01-2022 Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State, through Video

Conferencing.

Let the defects, as pointed out by the office, be

removed within four weeks of start of normal functioning of the

physical court.

Petitioner seeks bail in connection with Muzaffarpur

Rail P.S. Case No. 72 of 2020, registered for the offences

punishable under Section 414 of the Indian Penal Code.

According to prosecution case as per written

application before S.H.O, Munzaffarpur Rail P.S. that the

informant was on duty then at about 10.30 hours, he saw that

one person got down from Bihar Sampark Covid-19 train when



the train started from Muzaffarpur Junction and started going towards western side then he was apprehended by the police mere on suspicion who disclosed the name of this petitioner and from his possession one stolen mobile has been recovered.

Learned counsel for the petitioner submits that he has falsely been implicated in the present case. He further submits that nothing incriminating article has been recovered from the conscious possession of the petitioner. He further submits that as per FIR and seizure list, one mobile phone have been recovered from the conscious possession of the petitioner and the petitioner is in custody since 25.10.2020.

The learned Additional Public Prosecutor opposed the prayer of bail and submitted that the petitioner carries two criminal antecedent.

Considering the aforesaid facts and circumstances as well as period of custody, let the petitioner, above named, 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 the learned A.C.J.M. (Railway), Sonpur (Saran), in connection with Muzaffarpur Rail P.S. Case No. 72 of 2020, subject to the following conditions:-

1. Petitioner 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 his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers 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 petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. 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.

(Rajesh Kumar Verma, J)

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