

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24112 of 2022

Arising Out of PS. Case No.-11 Year-2022 Thana- GAYA RAIL P.S. District- Gaya

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Paryag Jha @Priyag Jha @ Pradeep Singh@ Gurujee, Son of late Pappu Jha @ Raj Kishor Singh, At present address - Dudhpura, Ward no.34, P.S.- Muffasil, Distt.- Samastipur. Permanent Address.- Resident of Village - Ghatwarpath (Ghatbar Basti) baltoriya (Barakar), P.S.- Kulti, Distt.- West Burdwan (W.B.)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bhim Kumar Yadav, Advocate
For the Opposite Party/s : Mr.Ramchandra Sahni, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 17-08-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Railway Patna, Gaya (Rail) P.S. Case No. 11 of 2021, registered for the alleged offences under Sections 379, 411 and 414 of the Indian Penal Code.

As per prosecution case, the petitioner was apprehended with stolen articles including a trolley bag containing the goods belonging to the informant. Co-accused



Puran Sahani was also apprehended and some recovery were also made from the co-accused.

The learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case and there is no eye-witness to the alleged occurrence. Except for suspicion, there is nothing against this petitioner. The recovered articles belong to the petitioner. The offences for which the petitioner has been made accused are triable by the Magistrate and maximum punishment is three years. The co-accused Puran Sahani has been granted bail by a Co-ordinate Bench of this Court vide order dated 08.06.2022 passed in Cr. Misc. No. 20625 of 2022. The petitioner is in custody since 08.01.2022 and the charge-sheet has been submitted in this case. Though the petitioner is made accused in two other cases of similar nature but he is on bail in both the cases.

Learned APP opposes the prayer for bail submitting that the petitioner was caught red handed and stolen articles were recovered from his possession.

Having regard to the submissions made hereinabove and considering the period of his custody along with the submission of charge-sheet in this case, the petitioner above named is directed to be released on bail on furnishing bail bond



of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Railway Judicial Magistrate, Gaya, in connection with Railway Patna, Gaya Rail P.S. Case No. 11 of 2022, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.
- (ii) One of the bailors will be the deponent, who has sworn the affidavit.
- (iii) The petitioner will remain present on each and every date fixed by the court below.
- (iv) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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