

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.23936 of 2022

Arising Out of PS. Case No.-74 Year-2021 Thana- MOKAMA RAIL P.S. District- Patna

Niranjan Kumar @ Naranjan Kumar Son of Bakhori Rai @ Bakhori Ram
Resident of Village - Kalyanpur, P.s.- Jamui, Distt.- Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Kashyap, Advocate.

For the Opposite Party/s : Mr. Lalan Kumar, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 03-08-2022 Learned counsel for the petitioner is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard Mr. Ashok Kumar Kashyap, learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State.

The application for grant of bail to the petitioner, above named, who has been made accused and put behind the bar in connection with Rail Mokama P. S. Case No. 74 of 2021 registered for the offences punishable under Sections 414 of the Indian Penal Code.

As per the prosecution case, it is alleged that when the petitioner got down from the train and saw the R.P.F. he started fleeing away, thereupon, he was apprehended and on search, a mobile phone and cash of Rs. 4940/- was recovered.

Learned counsel appearing on behalf of the petitioner submitted that in fact, neither the mobile phone nor



the cash amount was stolen rather the same belongs to the petitioner and on demand, he shown his inability to show any paper with regard to the mobile phone, he has been apprehended. It is further submitted that only because of the past criminal antecedent the name of the petitioner has been implicated in this case and moreover, he is in custody since 20.12.2021.

On the other hand, learned APP for the State vehemently opposes the bail application and submits that the petitioner has multiple criminal antecedents.

Having considered the submissions made on behalf of the parties and taking into account the nature of allegation, apart from the fact that the petitioner is in custody since 20.12.2021, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Court of R.J.M. Patna in connection with Rail Mokama P. S. Case No. 74 of 2021, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.



- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.
- (v) 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 cancelling 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.

(Harish Kumar, J)

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