

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30938 of 2022

Arising Out of PS. Case No.-31 Year-2022 Thana- DANAPUR RAIL P.S. District- Patna

IMARAUL SHEKH S/o Late Mor Shekh Resident of Khas Chandpur, Ward
No. 20, P.S.- Kaliya Chowk, District- Maldah (West Bengal)

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kautilya Kumar Prasad, Advocate

For the Opposite Party/s : Mr. Md. Mushtaque Alam, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 30-08-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

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

Petitioner seeks bail in a case registered for the
offences punishable under Section 414 of the Indian Penal
Code.

According to prosecution case, in brief is that one
Sunil Kumar Dwivedi who is P.S In Charge at Rail Police
Station Danapur got information from his team member that a
man is going from Down Farakaa Express carrying a lot of
mobile phones in his bag and not giving any satisfactory reply
for the same there after Sunil Kumar Dwivedi with his team



member reached their got off him and on being interrogated his introduced himself as Imaraul Shekh, son of late Mor Shekh, Resident of Khas Chandpur, Ward No. -20, P.S-Kaliya Chowk, District-Maldah (West Bengal) further he stated that these mobile are stolen whom he purchased from a person namely Sibbu from Dumrao and taking along to his Village to sale accordingly in presence of two independent witnesses search was conducted on being asked Imaraul Shekh did not give any satisfactory reply about the articles which were recovered from his possession thereafter as per procedure seizure list was made article were seized consequently a F.I.R was instituted under relevant Section and accused was arrested.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case only on the basis of suspicion. He further submits that nothing has been recovered from the conscious possession of the petitioner, rather the police has planted the same and shown the recovery from the possession of the petitioner. He further submits that petitioner has no concern at all with the alleged recovery. The petitioner is in custody since 06.03.2022.

The learned Additional Public Prosecutor has



vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, 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 Court below where the case is pending in connection with Rail Danapur P.S. Case No. 31 of 2022, subject to the following conditions:-

1. One of the bailor should be brother of the petitioner who sworn the affidavit.

2. 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.

3. 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.

4. 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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