

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34331 of 2022

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

Amit Kumar Son Of Ram Narayan Singh @ Jhapasi Singh Resident Of
Village- Harauli Ismailpur, Police Station- Hajipur Sadar, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Subhash Kumar

For the Opposite Party/s : Mr.Mritunjay Kumar Nirala

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 26-08-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and learned APP for the State.

Petitioner seeks bail in a case registered for the offences punishable under Sections 414/34 of the Indian Penal Code and 20/22 of the NDPS Act.

As per prosecution case, in brief, is that on 31.08.2021 at 7:20 P.M. the informant along with police personnel arrived at Barauni Railway Station and found five persons escaping towards outside the platform, among them one was with Trolley bag and one with bag of his back. On suspicion police personnel apprehended two persons and three



persons succeeded in fleeing away taking advantage of darkness. They disclosed his name as Subodh Kumar and Ram Bilok Mahto and they also disclosed the name of the petitioner and other persons who managed to flee away. On search in presence of witnesses Alprax 0.5 mg (Alprazolam composition) tab in two strip total 28 pieces and Rs. 390/- was recovered from the pocket of Ram Bilok Mahto @ Binod Mahto and from the bag of Subodh Kumar clothes of male persons, Debit Cards issued by Bandhan Bank and ATM Card without name and from his pocket Rs. 550/- and Alprax 0.5 mg tablet in two strips total 27 pieces was also recovered. The apprehended persons disclosed that they along with their associates committed theft of bags from Koshi Express Sleeper Boggy.

Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case only on the basis of confessional statement of co-accused namely Subodh Kumar and Ram Bilok Mahto. He further submits that it appears from the seizure list that nothing incriminating article has been recovered from the conscious possession of the petitioner and co-accused namely Ram Bilok Mahto @ Binod Mahto has been granted bail by a Coordinate Bench of this Court vide order dated 06.05.2022 in Cr. Misc.



No. 69040 of 2021 and another co-accused namely Subodh Kumar has been granted bail by this Court vide order dated 24.08.2022 in Cr. Misc. No. 65726 of 2021 and the petitioner is in custody since 07.03.2022.

Learned APP for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries five more cases other than the present one.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with N.D.P.S. P.S. Case No. 23(B) of 2021 arising out of Barauni Rail P.S. Case No. 74 of 2021, with 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 witness, 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 antecedents, 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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