

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39366 of 2022

Arising Out of PS. Case No.-28 Year-2022 Thana- SONPUR RAIL P.S. District- Saran

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KUNDAN KUMAR PATHAK @ KUNDAN PATHAK @ LALJI Son of
Vinay Kumar Pathak Resident of Mohalla - Chaldnur, Ward No.- 5, P.S.-
Dighwara, District - Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Raj Krishan Jha, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 30-09-2022 Heard learned counsel for the petitioner and learned
APP for the State in Virtual Court Proceeding.

Let the defect(s), if any, as pointed out by the
office, be removed within four weeks.

The case is registered under sections 379 and 411
of the Indian Penal Code, in connection with Sonpur Rail P.S.
Case No. 22 of 2022.

The prosecution story, in brief, is that on
25.01.2022, the informant was travelling from Motihari station
to Anand Vihar by a train and during the travelling, she alleged
that someone stole his mobile and ran away.

Mr. R.K. Jha, learned counsel for the petitioner
submits that the model of the stolen mobile by the lady does not



match with the recovery/seizure of the mobile from petitioner by the police and he has been unnecessarily dragged in this case for which he has already suffered by being in custody since 5.5.2022 (as stated in para-6 of the bail application) despite the fact that he has no criminal antecedent.

Taking into account the aforesaid facts as also that he is in custody since 5.5.2022, has no criminal antecedent and the charge-sheet stands submitted, this Court is inclined to grant him the privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Rail Judicial Magistrate, Sonpur, in connection with Sonpur Rail P.S. Case No. 22 of 2022 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial Court itself;



(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Ravi/Ajay Singh

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