

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40085 of 2022**

Arising Out of PS. Case No.-44 Year-2022 Thana- BHAGALPUR RAIL P.S. District-
Bhagalpur

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PARDESHI NISHAD @ RAJESH NISHAD S/o Luxman Nishad R/o village-
Lailakh, P.S.- Sabour, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ranjan Kumar Jha
For the Opposite Party/s : Mr.Mukesh Kumar Singh

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**CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER**

2 10-10-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

Petitioner seeks regular bail in Bhagalpur Rail P.S
Case No. 44 of 2022 registered for the offences punishable
under Sections 401 and 414 of the Indian Penal Code.

As per allegation, the police found four persons sitting
in suspicious condition at Lailakh railway station and the
petitioner was apprehended at the spot but other accused
persons managed to escape, from the possession of this
petitioner, two mobile phones, knife and cash of Rs 320/- were
recovered and on interrogation, petitioner revealed the same
mobile phones to be stolen.



The main submissions advanced by learned counsel Shri Ranjan Kumar Jha appearing for the petitioner are that alleged offences 401 and 414 IPC are not applicable in this case as there is no material to show that these mobile phones to be stolen and in fact, said mobile phones belong to the petitioner himself. Further submission is that petitioner has been made accused mainly on the basis of his criminal antecedents, against him there is criminal antecedent of four cases in which he is on bail. Further submission is that petitioner has been languishing in jail since 03.04.2022, he has been charge sheeted and there is no independent witness of the alleged recovery.

Sri Mukesh Kumar Singh, learned APP appearing for the State has opposed the prayer for bail.

In view of above submissions mainly considering the fact that investigation has been completed against the petitioner as stated and the most witnesses of the seizure are official and the petitioner has been languishing in jail since 03.04.2022, in the opinion of this court, a lenient approach can be taken in respect of the petitioner.

Let the petitioner 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 Railway Judicial



Magistrate, Bhagalpur in Bhagalpur Rail P.S Case No. 44 of
2022.

(Shailendra Singh, J)

s.hassan/-

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