

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.41196 of 2022**

Arising Out of PS. Case No.-25 Year-2021 Thana- SAHARSA RAIL P.S District- Khagaria

SHAMBHU SAH S/O LATE RAJENDRA SAH Resident of Village- Maraiya  
Bazar, P.S.- Parbatta (Maraiya O.P), District- Khagaria.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Pooja Kumari

For the Opposite Party/s : Mr.Narendra Kumar Singh

**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY**  
**ORAL ORDER**

2      07-09-2022                      Let the defect(s), as pointed out by the office, be  
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned  
A.P.P. for the State.

The petitioner seeks bail in connection with Saharsa  
Rail P.S. Case No. 25/2021 registered for the offences  
punishable under Sections 379 of the Indian Penal Code.

As per prosecution case, the informant's purse,  
service revolver alongwith five cartridges and Rs.4,000/- in cash  
were stolen and FIR has been lodged against unknown.

Learned counsel for the petitioner submits that  
petitioner is innocent and has falsely been implicated in this  
case. The petitioner is not named in the FIR and the name of  
petitioner transpired in this case on the basis of confessional



statement of co-accused, Aman Kumar Pandit @ Bittu and Md. Pappu Khan. Nothing has been recovered from the conscious possession of the petitioner or from the house of the petitioner. The petitioner is languishing in custody since 07.03.2022 and bears criminal antecedent of one case which is lodged after occurrence of present case. Learned counsel for the petitioner further submits that charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence. Except confessional statement nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, petitioner is not named in the FIR, charge sheet has already been submitted in this case and there is no likelihood of tampering with the prosecution evidence and also taking into consideration the material available on record, 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 Judicial Railway Magistrate, Khagaria in connection with Saharsa Rail



P.S. Case No. 25/2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

**(Alok Kumar Pandey, J)**

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