

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42978 of 2022**

Arising Out of PS. Case No.-39 Year-2021 Thana- MOKAMA RAIL P.S. District- Patna

MANISH KUMAR SON OF MUKESH SINGH RESIDENT OF
DARIYAPUR, WARD NO.-6, P.S.- BARAHIYA, DISTRICT- LAKHISARAI

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rashmi Jha, Adv.

For the Opposite Party/s : Mr.Lalan Kumar, A.P.P.

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

2 22-11-2022 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.

Learned counsel for the petitioner is directed to
make necessary correction in Para 3 and Para 10 of the bail
petition.

The petitioner seeks bail in connection with G.R.P.
Mokama Case No. 39 of 2021 registered for the offences
punishable under Section 379 of the Indian Penal Code.

As per prosecution case, while informant was
travelling to Barsoi Station from Rajendra Nagar Railway
Station by Capital Express. When the train departed from
Mokama Railway Station, informant found that his bag was



missing in which Bihar Vidhan Sabha Bank SBI Passbook, cheque book, Aadhar Card, PAN card, owner book of Scorpio vehicle bearing no. BR01PM0491, new touch screen mobile of VIVO company without SIM, ID card of Bihar Vidhan Sabha, cash of Rs. 1,50,000/-, four Railway Coupons issued by Bihar Vidhan Sabha and other articles were kept.

Learned counsel for the petitioner submits that petitioner is in custody since 18.05.2022. Petitioner bears six criminal antecedents of similar nature and in all the cases the petitioner is on bail. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that petitioner is not named in the F.I.R. Name of the petitioner is transpired in this case only on the basis of suspicion and his previous criminal antecedents. During the course of investigation petitioner has used his SIM in stolen mobile but the stolen mobile has not been recovered from the conscious possession of the petitioner. Learned counsel for the petitioner further submits that no stolen/incriminating article has been recovered from conscious possession of the petitioner.

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



bears series of criminal antecedents.

Considering the facts and circumstances of the case as well as period of custody, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of the parties and also taking into consideration the material available on record, let the petitioner above named be released on bail after framing of charge on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Railway Magistrate, Patna in connection with G.R.P. Mokama Case No. 39 of 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.



(iv) Petitioner shall furnish mobile number at the time of furnishing bail bond and the said mobile number shall continue in operating condition till disposal of the case and he shall get his presence marked before the officer-in-charge of the concerned police station on the first Tuesday of every month.

(v) Petitioner shall not leave the territorial jurisdiction of the concerned trial court without appropriate permission of the court concerned.

(vi) If petitioner violates any of the conditions, the court below is at liberty to cancel the bail bond of the petitioner.

(Alok Kumar Pandey, J)

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