

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45156 of 2022

Arising Out of PS. Case No.-173 Year-2022 Thana- BARAUNI RAIL P.S. District- Begusarai

SANTOSH KUMAR SON OF DINESH MUKHIYA R/O VILLAGE- BHIT
BHAGWANPUR WARD NO.-5, P.S.- MADHEPUR, DISTRICT-
MADHUBANI

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Jha
For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 24-11-2022 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.

The petitioner seeks bail in connection with
Barauni Rail P.S. Case No. 173 of 2022, registered for the
offences punishable under Sections 379/411 of the I.P.C.

As per prosecution case, petitioner was
apprehended on spot with two stolen mobile.

Learned counsel for the petitioner submits that
petitioner is in custody since 04.05.2022 and bears criminal
antecedent of two cases in which he is on bail. Charge sheet has
been submitted in the case and there is no likelihood of



tampering with the prosecution evidence. He further submits that petitioner is quite innocent and falsely implicated in the case.

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, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides 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 Rail Judicial Magistrate, Barauni in connection with Barauni Rail P.S. Case No. 173 of 2022, 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)

vashudha/-

U		T	
---	--	---	--

