

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46172 of 2022

Arising Out of PS. Case No.-126 Year-2021 Thana- BHAGALPUR RAIL P.S. District-
Bhagalpur

MD. RAJIQUE @ MD. AFTAB Son of Md. Izhar @ Izhar Resident of
Kabadi Tola (Kawadi tola) Near Middle School, Ward No.- 41, Gumti No.-12,
P.S.- Ishakchak, Dist.- Bhagalpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashutosh Kumar

For the Opposite Party/s : Mr.Sangeeta Sharma

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 09-12-2022 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
Bhagalpur Railway Police Station Case No. 126 of 2021 arising
out of G.R. No. 126 of 2021 registered for the offences
punishable under Sections 380 and 411 of the Indian Penal
Code.

As per prosecution case, one person snatched the
mobile phone of the informant and started fleeing away. It is
further alleged that when the informant raised alarm upon which
police apprehended the person, upon enquiry apprehended



persons disclosed his name as Md. Rafique alias Md. Aftab and on search mobile phone of the petitioner was recovered from the pocket of the petitioner.

Learned counsel for the petitioner submits that petitioner is in custody since 28.09.2021. Petitioner bears two criminal antecedents. 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 in a routine manner just because of criminal antecedent has been made accused one by one in one case after another. Petitioner is quite innocent and has falsely been implicated in the present case merely on suspicion and has committed no offence as alleged in the F.I.R.

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 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 on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand)



with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Railway, Bhagalpur in connection with Bhagalpur Railway P.S. Case No. 126 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.

(Alok Kumar Pandey, J)

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