

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61252 of 2021

Arising Out of PS. Case No.-25 Year-2019 Thana- SAHARSA RAIL P.S District- Khagaria

Mithu Jha S/O Shayam Mohan Jha R/O Village-Kayasth Tola Ward No. 29,
Ps And District- Saharsa.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Diwakar Prasad Singh, Adv
For the Opposite Party/s : Mr.Md. Aslam Ansari,APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 26-04-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

A supplementary affidavit, carrying out necessary correction in the main petition, has been filed on behalf of the petitioner which is kept on record.

Heard learned counsel for the petitioner and learned APP for the State.

Petitioner seeks bail in a case registered for the offences punishable under Section 395 of the Indian Penal Code.

As per F.I.R., some miscreants looted mobile and money from the passenger at the Railway Station on the point of arms. F.I.R. was lodged against unknown.



Learned counsel appearing for the petitioner submits that the petitioner is not named in the FIR. The name of the petitioner has been transpired on the basis of confessional statement of co-accused, namely, Munna Sharma. He further submits that it appears from the statement of co-accused that Munna Sharma has purchased the mobile in question from the petitioner. He further submits that till date no T.I. Parade has been conducted by the prosecution and the petitioner is in custody since 13.10.2020.

Learned A.P.P. for the State, on the other hand, has opposed the prayer for bail of the petitioner and submits that the petitioner carries seven more cases other than the present one.

Considering the aforesaid facts, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousands) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Saharsa Rail P.S. Case No. 25 of 2019, with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient



reason, his/her bail bond shall be cancelled by the Court below.

(2) 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.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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