

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65609 of 2021

Arising Out of PS. Case No.-68 Year-2019 Thana- CHAPRA RAIL P.S. District- Saran

Ashish Kumar Son of Late Sita Ram Ray @ Sita Ram Rai Resident of Village
Maripur @ Mandipur (Rashidpur) Ward No.9, P.S. Manjhi, District Saran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Dr. Rajesh Kumar Singh
For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 17-08-2022 Defect No.6(10) as pointed out by the office is
ignored.

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

The petitioner apprehends his arrest in connection
with Chapra Rail P.S. Case No.68 of 2019, registered for the
offence punishable under Section 379 of the Indian Penal Code.

The petitioner is said to have stolen the bag of the
informant.

Learned counsel for the petitioner submits that the
petitioner is innocent and he has falsely been implicated in the
present case. It is further submitted that the petitioners are not
named in the FIR. The petitioner has got no criminal antecedent
as stated in paragraph-3 of the bail application. Learned counsel



for the petitioner submits that the occurrence took place on 26.04.2018 and the FIR was lodged on 20.04.2019 after delay of about one year. It is submitted that the police has submitted final form stating that the case is true but there is no clue. On that basis the Railway Magistrate directed the police to reinvestigate the matter. After investigation, the police has recovered one mobile phone from the house of the petitioner and on that basis the petitioner has been made accused in this case. It is further submitted that no incriminating article has been recovered from conscious possession of the petitioner.

Learned APP for the State opposed the prayer for anticipatory bail of the petitioner.

Taking into consideration the facts that the FIR was lodged after one year of the occurrence and no incriminating article has been recovered from the conscious possession of the petitioner, let petitioner, above named, in the event of his arrest or surrender before the learned court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs.25,000/- (rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Railway Judicial Magistrate, Sonapur, Saran in connection with Chapra Rail P.S. Case No.68 of 2019, subject to the conditions



laid down under Section 438(2) of the Code of Criminal
Procedure.

(Anjani Kumar Sharan, J.)

Sanjay/-

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

