

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3011 of 2023

Arising Out of PS. Case No.-290 Year-2022 Thana- BARAUNI RAIL P.S. District- Begusarai

AMITESH RAJ @ UMANG SON OF SHASHI RANJAN R/O VILLAGE-
BIHAT (MAKSASPUR TOLA), P.S.- BARAUNI, DISTRICT- BEGUSARAI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Murlidhar Mishra, Adv. Mr. Shubhesh Pandey, Adv.
For the Opposite Party/s	:	Mr. Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 21-04-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
22.10.2022, in connection with Barauni Rail P.S. Case No.
290/2022, F.I.R. dated 08.08.2022, for the offences punishable
under Sections 392 of the Indian Penal Code.

According to prosecution case, the petitioner is
alleged to have hit on the head of the informant with helmet
causing injury on his head and also looted the motorcycle of the
informant along with other articles such as mobile phones, ATM
card, Aadhar Card, Driving Licence, Medical Card of Railway
and cash of Rs. 1000/-.

Learned counsel for the petitioner submits that the



petitioner has clean antecedent and he has falsely been implicated in the present case only on the basis of confessional statement of co-accused persons, namely, Piyush Kumar and Prince Kumar. He further submits that nothing has been recovered from conscious possession or the house of the petitioner and till date no T.I.P has been conducted by the prosecution. He further submits that similarly situated other co-accused persons, namely, Piyush Kumar has been granted bail by Co-ordinate Bench of this Court vide order dated 24.03.2023 passed in Cr. Misc. No. 74904/2022 and the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 22.10.2022.

Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Railway Judicial Magistrate, Barauni, Begusarai in connection with Barauni Rail P.S. Case No. 290/2022, subject to 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 absence on two consecutive dates without sufficient reason, his 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.

3. 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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