

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6529 of 2023

Arising Out of PS. Case No.-2 Year-2022 Thana- PURNIA RAIL P.S. District- Katihar

MD. JAVED, S/O LATE BAJUDDIN @ WAJUDDIN, R/v- Hariyabara, Ward
No 11, P.S.- Araria, (R.S.), District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gopal Kumar Jha, Advocate

For the Opposite Party/s : Mr. Rajendra Singh, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 08-05-2023

List of these matters has been notified today.

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

The petitioner seeks bail in connection with Purnea Rail
P.S. Case No. 2 of 2022 registered for the offence punishable under
Section 379 of the Indian Penal Code.

A black bag of the informant has allegedly been stolen
from the train. It is alleged that the same contained his laptop, some
mobile phones, chargers etc..

Learned counsel for the petitioner submits that FIR has
been lodged against unknown persons. The petitioner's implication in
the instant case is based on suspicion since earlier he was implicated
in Araria (R.S.) P.S. Case No. 589 of 2016. It is submitted that the
allegation regarding mobile phones being recovered from the
petitioner is false and not supported by a seizure list prepared in
accordance with law. The petitioner is in custody since 14.09.2022.



The recovery is denied and disputed. It is submitted that the charge-sheet has already been submitted.

Learned APP for the State has opposed the prayer for bail. It is submitted that mobile phones have been recovered from the petitioner, which belong to the informant.

Considering the rival submissions and period of custody, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by learned counsel for the petitioner.

Prayer for bail of the petitioner is allowed.

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 Judicial Magistrate, Rail Court, Katihar, in connection with Purnea Rail P.S. Case No. 2 of 2022, subject to the following conditions:-

- (i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.
- (ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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