

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10535 of 2023

Arising Out of PS. Case No.-20 Year-2022 Thana- NAUGACHHIYA RAIL P.S. District-
Khagaria

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KHUSILAL MANDAL Son of Late Panchu Mandal Resident of Village -
Kader Tola Marghiya, Ward No.- 4, P.S.- Barari, District - Katihar

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Viveka Nandsingh, Advocate
For the Opposite Party/s : Mr. Md. Fahimuddin, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 04-05-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
01.07.2022 in connection with Naugachhia Rail P.S. Case No.
20 of 2022, F.I.R. dated 25.06.2022 for the offences punishable
under Section 392 of the Indian Penal Code and Section 27 of
the Arms Act.

According to prosecution case, in brief, by informant
Parasmal Soni is that he has a jewellery shop. On 22.06.2022
informant alongwith his son went to Sealdah. After purchasing
jewellery of worth Rs.1,42,34,664/- he was returning by train.
All jewelleries were kept in a bag. When train reached at
Kadagola Railway station, three unknown persons entered into



the coach, loitering around berth of informant. In the meantime, an unknown person vacuum the train then three persons came near informant and threw chili powder on his face and all three unknown accused snatched his bag of jewelleries and left the train. Informant also came out from train and he saw that they are running towards south side and when the informant sought “Chor Chor’ then one person fired on the coach then informant narrowly save his life.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that petitioner is not named in the F.I.R. and the name of the petitioner has been transpired during investigation on the basis of confessional statement of co-accused Md. Babar. He further submits that nothing has been recovered from the conscious possession or the house of the petitioner and except the confessional statement of co-accused no other cogent material has come during investigation against the petitioner to suggest the involvement of the petitioner in the present occurrence. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 29.06.2022.



The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, petitioner has clean antecedent, not named in the F.I.R. and the name of the petitioner has been transpired during investigation on the basis of confessional statement of co-accused Md. Babar, 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 Railway, Khagaria in connection with Naugachhia Rail P.S. Case No. 20 of 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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