

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9317 of 2023

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

MD. BABAR Son of Md. Idrish Resident at Mansuri Tola, Ward No.- 9, P.S.-
Barari, Dist.- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mohammad Minnatullah

For the Opposite Party/s : Mr.Anuj Kumar Shrivastava

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 29-05-2023 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with

Naugachiya Rail P.S. Case No. 20 of 2022, G.R. Rail No. 69

of 2022, registered for the offences punishable under

Section 392 of the IPC and Section 27 of the Arms Act.

As per the FIR, it is alleged that the informant was

travelling by train carrying some jewelleryes worth

₹1,42,34,664/-, but in the way, some accused persons,

robbed the jewelleryes of the informant and escaped away.

Learned counsel for the petitioner submits that the

petitioner is innocent and has falsely been implicated in this

case. The FIR is lodged against unknown persons. The name



of the petitioner transpired in the confessional statement of co-accused. He further submits that no recovery of alleged stolen property has been made from the conscious possession of the petitioner and till date the petitioner has not been put on T.I. parade. It is further submitted that one other co-accused person has been granted bail by a co-ordinate Bench of this Court, vide Cr. Misc. No. 10535 of 2023.

He further submits that the petitioner has been languishing in jail since 01.07.2022.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner has no criminal antecedents.

It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one.

However, learned APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioner, above-named, to be enlarged on bail on his furnishing bail bonds in



the sum of ₹10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Rail Judicial Magistrate, Khagaria, in connection with Naugachiya Rail P.S. Case No. 20 of 2022, G.R. Rail No. 69 of 2022, on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not get hampered on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has concealed his criminal antecedents, learned court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that



the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, learned court below shall cancel the bail bonds of the petitioner.

Ld. counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

Amrendra/-

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