

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16865 of 2023

Arising Out of PS. Case No.-291 Year-2022 Thana- PATNA GRP CASE District- Patna

Md. Masum, Gender-Male, aged about- 50 years, Son of Md. Yonus R/o-
Mubarakpur Fulkari, P.S- Birpur Dist- Begusarai

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Braj Bhushan Poddar, Advocate
For the Opposite Party : Mr. Ram Bilash Roy Raman, A.P.P.

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 16-05-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Sessions Trial No. 991 of 2022 arising out of Patna Junction Rail P.S. Case No. 291 of 2022 dated 19.05.2022, instituted for the offence punishable under Sections 328, 379, 411, 307 and 34 of the Indian Penal Code.

3. As per the prosecution case, on 18.05.2022, when the informant was waiting for the train at the Patna Junction after sometime two miscreants came and befriended him. Thereafter, one of them brought cold drink and insisted the informant to drink. After drinking the cold drink, he felt drowsiness. Thereafter, the informant informed the railway police personnel. On seeing the police personnel, all miscreants



tried to flee away but on chase, petitioner and other co-accused, namely, Shambhu Paswan were caught and others succeeded to flee away.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is further submitted that the petitioner was not present with the accused Shambhu Paswan and the petitioner was forcibly arrested near the place of occurrence. No any theft articles have been recovered from the conscious possession of the petitioner and the police has falsely recovered Vivo company mobile from the possession of the petitioner. It is also stated that due to the criminal antecedents of the petitioner, he has been made accused in this case. Lastly, it has been submitted that the petitioner is in custody since 19.05.2022, charge-sheet has been submitted in the case and he has five criminal cases.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions



Judge-XIII, Patna in Sessions Trial No. 991 of 2022 arising out of Patna Junction Rail P.S. Case No. 291 of 2022, subject to the following conditions:-

- (i) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.
- (ii) One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.
- (iii) The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.
- (iv) 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.

(Khatim Reza, J)

Gaurav Kumar/-

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