

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23022 of 2023**

Arising Out of PS. Case No.-38 Year-2022 Thana- BEGUSARAI RAIL P.S. District-
Begusarai

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Eklakh @ Md. Eklakh @ Md. Iklakh S/O Md. Akbar Resident of Village-
Chhoti Balia, Upar Tola, Ward No.- 4, P.S.- Balia, District- Begusarai.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Md Fazle Karim, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 22-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Begusarai Rail P.S. Case No. 38 of 2022 registered on 07.07.2022 for the alleged offences under Sections 379, 411 and 414 of the Indian Penal Code.

3. As per prosecution case, the mobile phone of the informant was stolen by a pickpocket and the informant identified the petitioner who took away his mobile phone and from his possession three mobile phones were recovered.

4. Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. No occurrence as alleged has ever taken place. There was



huge crowd of passengers during the boarding of the train and some scuffle took place between the petitioner and the informant and for this reason, the informant falsely implicated the petitioner. Nothing has been recovered from the possession of this petitioner. The petitioner is in custody since 08.07.2022 and charge sheet has been submitted.

5. Learned APP opposes the prayer for bail submitting that the petitioner is a habitual offender and is having criminal antecedent of similar nature and is accused in four such cases.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the period of custody of the petitioner and the submission of charge-sheet against him, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Rail Magistrate, Begusarai/court concerned in connection with Begusarai Rail P.S. Case No. 38 of 2022, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and



every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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