

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21693 of 2022

Arising Out of PS. Case No.-114 Year-2021 Thana- CHAPRA RAIL P.S. District- Saran

GOPAL MISHRA Son of Suneshwar Mishra Resident of Village-
Belavaripatti, Police Station- Thakraha, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Tiwary

For the Opposite Party/s : Mr.A.G

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 10-01-2023 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with Chapra
Kachehari Rail Police Station Case No. 114 of 2021 registered
for the offences punishable under Sections 328, 379 of the
Indian Penal Code.

As per prosecution case, informant alongwith other
boarded in the train for going to Thawe. One of the persons
provided biscuit and after consuming the biscuit informant and
others become senseless and they found themselves in the
Thawe police station after regaining their senses. It is alleged by
the informant and others that money alongwith other items were



stolen by the said person who met and asked them to take biscuit in the train.

Learned counsel for the petitioner submits that petitioner is in custody since 10.02.2022 and bears criminal antecedent of three cases in which he is on bail in all cases. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel for the petitioner submits that petitioner is not named in F.I.R.. The name of the petitioner has been surfaced in this case upon the confessional statement of the co-accused Vishwanath Ram. Except the confessional statement, there is nothing on record to demonstrate the complicity of the petitioner with the alleged occurrence. No incriminating article has been recovered from the possession of the petitioner. Petitioner is quite innocent and has committed no offence as alleged against him in the FIR. No T.I.P. has been conducted until now.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both



sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Railway Judicial Magistrate, Sonapur, District- Saran in connection with Chapra Kachehari Rail Police Station Case No. 114 of 2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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