

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29947 of 2023

Arising Out of PS. Case No.-90 Year-2022 Thana- MOKAMA RAIL P.S. District- Patna

SUMIT KUMAR @ BABA S/O AJAY MISHRA @ AJAY KUMAR
MISHRA R/O Village- Athmalgola Chedi Singh Tola, P.S- Athmalgola, Distt.-
Patna.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar Sinha
For the Opposite Party/s : Mr.Md. Aslam Ansari

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 13-06-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with S. Tr.
No. 1533 of 2022 arising out of Railway Mokama (Hathidah)
P.S. Case No. 90 of 2022 registered for the offences punishable
under Sections 399, 402 of Indian Penal Code.

As per prosecution case, on platform no. 3, 6-7
persons were sitting in suspicious condition and after seeing the
police party they tried to flee away. On chase six persons were
apprehended and one person managed to flee away. On enquiry
they confessed that they were planning for loot in train. It is
further alleged that one steel knife was recovered from present
petitioner.



Learned counsel for the petitioner submits that petitioner is in custody since 22.10.2022. Petitioner bears one criminal antecedent. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that petitioner is innocent and has committed no offence as alleged in the F.I.R. Nothing has been recovered from the conscious possession of the petitioner. Learned counsel further submits that petitioner was a passenger at the said place and he was apprehended on suspicion. Except suspicion there is nothing on record to demonstrate the complicity of the present petitioner. There is no compliance of Section 100 Cr.P.C.

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 as well as period of custody, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence 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 Additional Session Judge, XIII, Patna in



connection with S.Tr. No. 1533 of 2022 arising out of Railway
Mokama (Hathidah) P.S. Case No. 90 of 2022, 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)

Niku/-
amit

U		T	
---	--	---	--

