

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 35779 of 2023**

Arising Out of PS. Case No.-7 Year-2023 Thana- JEHANABAD RAIL P.S. District- Gaya

MD TAUHIR @ MD TOUKARI S/O LATE MD MUJAHID RAIN @ LATE
MOJAHIR @ LATE MD JAHID R/O Village- Chand Bajitpur, P.S.-
Belaganj, District-Gaya

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Sudhir Kumar Sinha, Advocate

For the Opposite Party/s : Mr Anil Kumar, APP

CORAM: HONOURABLE MR JUSTICE RAJIV ROY

ORAL ORDER

3 30-08-2023

Heard the parties.

2 The petitioner is in judicial custody since 14.02.2023 in connection with Jehanabad Rail PS Case No 7 of 2023 registered for the offence punishable under Sections 414/34 of Indian Penal Code.

3 Case, as per the prosecution story, is that on 13.02.2023, the informant along with other police personnel were on patrolling then at Belaganj Railway Station on Platforms No 1 and 2, three persons were going out from the platform with other travellers towards the main gate. When the police asked them to stop, they started running towards railway line and while one of them escaped, the police caught other accused. One mobile phone was thrown on the railway line.



The police asked for the mobile phone's paper and in its absence, seizure list prepared, FIR lodged.

4 It has been contended by the learned counsel for the petitioner that the police took his mobile phone and posed the same to be stolen mobile phone and, accordingly, implicated him in this case as a result of which he is in custody since 14.02.2023. However, he concedes that he has criminal antecedent.

5 Further submission is that another apprehended person Banti Das has since been released on bail by this Bench in Cr Misc No 38510 of 2023 on 07.07.2023.

6 Let it be kept on record.

7 Learned APP opposes the prayer for bail.

8 Considering the submissions put forward by the learned counsel for the petitioner and the State and taking into account his period of custody (14.02.2023), FIR lodged, ultimately will be facing the trial, this Court is inclined to extend him the privilege of bail with conditions.

9 Let the petitioner above named be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Railway Judicial Magistrate, Gaya in Jehanabad Rail PS Case



No 7 of 2023 subject to the following conditions:

(i) One of the bailors should be the family member of the petitioner who shall provide official document to show his bona fide;

(ii) The petitioner shall appear on each and every date before the trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bonds by the trial Court itself;

(iii) The petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) The petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) The petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

10 With the aforesaid observations, this application is
allowed.

(Rajiv Roy, J)

M.E.H./-

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