

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35603 of 2023

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

Abhijit Singh, Gender- Male, aged about 27 years, son of Jagat Narayan
Kunvar, resident of village- Berua, P.S. - Jaitpur, Distt. - Muzaffarpur
... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anant Kumar Mishra, Advocate
For the Opposite Party/s : Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 07-07-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner seeks bail in connection with Rail
Mokama (Hathidah) PS Case No.90 of 2022 dated 21.10.2022,
instituted for the offence punishable under Sections 399 and 402
of the Indian Penal Code.

3. The prosecution case, in short, is that on platform
no. 3, 6-7 persons were sitting in suspicious condition and on
seeing the police party, they tried to flee away. On chase, six
persons were apprehended and one person managed to run
away. On query, they confessed that they were planning to
commit loot in the train. It is further alleged that one steel knife
was recovered from possession of the petitioner and one knife
was recovered from the possession of co-accused Sumit Kumar



@ Baba.

4. Learned counsel for the petitioner submits that only on the basis of suspicion the petitioner has been arrested. Six persons were apprehended out of which three persons have been granted bail by co-ordinate Benches of this Court by order dated 13.06.2023 and 21.06.2023 passed in Cr. Misc. No. 29947 of 2023 and Cr. Misc. No. 32859 of 2023 respectively. Lastly, it is submitted that the petitioner is in custody since 22.10.2022 and there is one criminal case pending against him. Charge-sheet has also been submitted in the case.

5. Learned APP has opposed the prayer for bail.

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 Additional Sessions Judge-XIII, Patna, in Rail Mokama (Hathidah) PS Case No.90 of 2022, subject to the conditions (i) that the 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) that one of the bailors will be his own



blood relation, preferably father, mother, brother, sister and or his wife, (iii) that 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, and (iv) that 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)

J. Alam/-

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