

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36448 of 2023**

Arising Out of PS. Case No.-81 Year-2022 Thana- BHAGALPUR RAIL P.S. District-
Bhagalpur

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Banti Kumar @ Banti Mandal Son Of Jayram Mandal Resident Of Village-
Biharipur, Ps- Madhusundanpur (Nathnagar), Distt- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Davendra Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Umesh Lal Verma, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 27-07-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail, who is in custody since
09.01.2023, in connection with Rail P.S. Bhagalpur P.S. Case No.
81 of 2022, F.I.R. dated 24.06.2022 registered for the offences
punishable under Sections 356, 379 of the Indian Penal Code.

The prosecution case, in brief, is that on 15.06.2022
Leena Choudhary was going to Sahebganj from Bhagalpur by
train and when the train reached Lailakh Railway Station then all
of a sudden a boy snatched his golden chain above 1 ½ bhar and
her purse containing Rs. 7000/-. It is further alleged that
thereafter with police she gets down at Ekchari Railway Station
where local Sarpanch came there and through his mobile
photograph Leena Devi identified the accused petitioner as thief.



Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case. He further submits that nothing has been recovered from the conscious possession of the petitioner and till date no test identification parade was conducted by the prosecution and the petitioner has been implicated in the present case merely on the basis of suspicion and the previous criminal antecedent of the petitioner. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 09.01.2023.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries six more cases other than the present one but fairly submits from paragraph-3 of the petitioner that the petitioner is on bail in all the cases.

Considering the facts and circumstances of the case, 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, Bhagalpur in connection with Rail P.S. Bhagalpur P.S. Case No. 81 of 2022, subject to the following conditions :-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court



and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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