

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.37633 of 2023**

Arising Out of PS. Case No.-69 Year-2023 Thana- BARAUNI RAIL P.S. District- Begusarai

Rajiv Kumar S/O Vijay Mahto R/O Village- Simariya Ghat, Bind Toli, Ps.  
Barauni (Chakiya-O.P.), Dist. Begusarai.

... .. Petitioner/S

Versus

The State of Bihar.

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Ram Sumiran Rai, Advocate

For the Opposite Party/s : Mr.Narendra Kumar Singh, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA**  
**ORAL ORDER**

2      12-07-2023                      Heard learned counsel appearing on behalf of the  
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period  
of four weeks from today.

The petitioner seeks bail in connection with Brauni  
Rail P.S. Case No. 69 of 2023 registered for the offence under  
Sections 401, 414 and 34 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in  
custody since 28.03.2023.

The allegation against the petitioner is to found in  
possession of stolen goods being member of Gang of thieves.

Learned counsel appearing on behalf of the petitioner  
submitted that the name of petitioner surfaced on the basis of  
disclosure of apprehended co-accused, namely, Anil Kumar Sah,



where in furtherance of which, no incriminating material appears to be recovered from the possession of this petitioner to connect him with present allegation. It is submitted that mere on the basis of recovery of knife from the house of petitioner, he cannot be said a member of gang of thieves. It is submitted that no stolen material, as alleged, recovered from the possession of this petitioner. While concluding the argument, it is submitted that petitioner found involved in two more criminal cases, where he is on bail, and moreover, investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above as no incriminating material recovered/surfaced from the possession of this petitioner during the course of investigation as to connect him with present allegation, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 28.03.2023, accordingly, petitioner above named, is directed to be released on bail in connection with Brauni Rail P.S. Case No. 69 of 2023 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,



Brauni at Begusarai/concerned Court, subject to the conditions  
as mentioned under Section 437(3) of the Cr.P.C.

**(Chandra Shekhar Jha, J)**

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