

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38510 of 2023

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

BANTI DAS S/O GARIB DAS R/O Village- Chand Bajitpur, Dist. Gaya

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Sharma, Advocate

For the Opposite Party/s : Mr.Mithlesh Kumar Khare, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 07-07-2023

Heard the parties.

The petitioner is in custody since 14.2.2023 in connection with Jehanabad Rail P.S. Case No. 07 of 2023 for the offence punishable under Sections 414/34 of the I.P.C. lodged on 13.2.2023 by the informant Dinesh Kumar Singh.

The prosecution story, in brief, is that on 13.2.2023 the informant along with other police personnel were on patrolling then at Belaganj station on platform 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 was thrown on the railway line. The police asked for the mobile's paper and in its absence, seizure list prepared, FIR lodged.



It has been contended by the learned counsel for the petitioner that there is no recovery from his conscious possession. He is daily wager but merely on suspicion, has been got implicated.

Learned APP opposes the prayer.

Considering the aforesaid submission put forward by the learned counsel for the petitioner, is in custody since 14.2.2023, have no criminal antecedent, this Court is inclined to extend him the privilege of bail with conditions.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Judicial Railway Magistrate, Gaya, in connection with Jehanabad Rail P.S. Case No. 07 of 2023 subject to the following conditions:

(i) one of the bailor 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 bond 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 the 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.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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