

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40173 of 2023

Arising Out of PS. Case No.-30 Year-2023 Thana- BHAGALPUR RAIL P.S. District-
Bhagalpur

ABHISHEKH KUMAR DAS son of Barun Das Village- Kauwa Koli Laxman
Bag Ps- Nathnagar Dist- Bhagalpur Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vivekanand Vivek, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 14-07-2023 Heard the parties.

The petitioner is in custody in connection with Bhagalpur Rail P.S. Case No. 30 of 2023 for the offence under Section 393 of the Indian Penal Code lodged on 18.02.2023 by the informant, Manish Kumar Choudhary.

The prosecution case, in brief, is that on 17.2.2023, the informant boarded Jaynagar-Bhagalpur Express at Samastipur for Bhagalpur. On 18/2/2023, at about 4.40 A.M, the train was stopped at Nathnagar Railway station when all passengers got down. Thereafter, a person of the same compartment came to him and tried to snatch his mobile on the point of pistol.

On protest, the pistol fell down and on alarm, escort party reached there and apprehended him. He disclosed his name as Abhishek Kumar, was brought to the police station along with the said pistol and arrested. Accordingly, the F.I.R.



Learned counsel for the petitioner submits that he is a young boy and falsely implicated in this case attributing recovery of a pistol which did not have any cartridge and further allegation is that he was trying to snatch the mobile of the informant. The further submission is that he do not have criminal antecedent and has already suffered by being in custody since 18.02.2023 (as stated in paragraph 5 of the petition).

Learned APP opposes the prayer for bail.

Considering the age of the petitioner as also that he is in custody since 18.02.2023 and do not have any 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 Magistrate, Railway or in-charge, Bhagalpur, in connection with Bhagalpur Rail P.S. Case No. 30 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/her 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 month for one year 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 application is allowed.

(Rajiv Roy, J)

Jagdish/Kiran/-

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