

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40056 of 2023

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

ANIL KUMAR SAH @ ANIL SHAW SON OF LATE MAHENDRA SAH
RESIDENT OF VILLAGE- BAGHA SURGASTAHN WARD NO. 24, PS-
LOHIYA NAGAR, DISTT- BEGUSARAI

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anshu Dhar Sharma, Adv.

For the Opposite Party/s : Mr.Jagdhara Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 19-07-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Barauni Rail P.S. Case No. 69 of 2023 registered for the offences punishable under Sections 401, 414/34 of the Indian Penal Code.

3. As per prosecution case, there is alleged recovery of one mobile, one blade and one pliers from possession of the petitioner. It is further alleged that petitioner disclosed the name of other accused persons who fled away from the place of occurrence.

4. Learned counsel for the petitioner submits that petitioner is in custody since 28.03.2023. Petitioner bears



criminal antecedent of two cases in which he is on bail. Learned counsel orally submits that charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. No incriminating article has been recovered from possession of the petitioner. Seizure list has not been prepared in accordance with law and there is no independent witness of alleged seizure.

5. The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, period of custody, argument advanced on behalf of both sides and also taking into consideration the material available on record, 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, Barauni (Begusarai) in connection with Barauni Rail P.S. Case No. 69 of 2023, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will



remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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