

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50550 of 2023

Arising Out of PS. Case No.-48 Year-2023 Thana- SASARAM RAIL P.S. District- Gaya

1. ISMAIL MANDAL @ ISMILE MANDAL SON OF SHER ALI MANDAL
RESIDENT OF VILLAGE- BOYARSING (BAIMAR SINGH), TALDIH
(TAL DIH) POL, PS- KAINI, (CANNING), DISTT- 24 PARGANA (WEST
BENGAL)
2. RIZAUL SARDAR @ REJAUL SARDAR SON OF YUSUF SARDAR
RESIDENT OF VILLAGE- BOYARSING (BAIMAR SINGH), TALDIH
(TAL DIH) POL, PS- KAINI, (CANNING), DISTT- 24 PARGANA (WEST
BENGAL)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Diwakar, Adv.

For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 10-08-2023 1. Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2. Petitioners, who are in custody since 16.03.2023 seek
bail in connection with Rail P.S. Sasaram (Dehri) Case No. 48/2023
dated 16.03.2023 registered for the offences punishable under
Sections 379, 414 and 34 of the I.P.C.

3. According to prosecution case, total Rs. 520/- has been
recovered from the possession of the petitioner no.1 and from
possession of the petitioner no.2 a wrist watch of Sona company and
Rs.500 were recovered, which were snatched and pulled/pick
pocketed from the passengers of Purushottam Express Train.

4. Learned counsel for the petitioners submits that the



petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that it appears from the F.I.R. as well as seizure list that Rs. 500/- has been recovered from the possession of the petitioner no.2 and Rs. 520/- has been recovered from the possession of the petitioner no.1. He further submits that the allegation against the petitioners in the F.I.R. is that recovered amount from the possession of the petitioners are theft amount and possession of co-accused 19 grams of pieces of chain made of gold like substance have been recovered and the petitioners have been made accused in the present case. He further submits that the petitioners are bonafide passengers of the train 12802 Dn. Purushottam Express and merely on the basis of suspicion, the petitioners have falsely been implicated in the present case. The police after investigation submitted the charge sheet against the petitioners. The petitioners are in custody since 16.03.2023.

5. Learned Additional Public Prosecutor for the State on the other hand vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts and circumstances as well as period of custody, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned R.J.M., Gaya/concerned court, in connection with Rail P.S. Sasaram (Dehri) Case No.48/2023, subject



to the following conditions:-

1. One of the bailors should be the father of the petitioners.

2. Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

3. If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

4. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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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