

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56518 of 2022

Arising Out of PS. Case No.-23 Year-2021 Thana- NARKATIYAGANJ RAIL P.S. District-
West Champaran

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Binod Kumar @ Binod Sah S/o Late Rabindra Prasad Resident of Village-
Block Road, Sidhi Vinayak Mandir, Ward No.22, P.S.- Shikarpur, District-
West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Lalan Kumar Verma, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 21-02-2023 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Trial No. 1238 of 2022 arising out of Narkatiaganj Rail P.S.
Case No. 23 of 2021 lodged under Sections 457, 380, 411 of the
I.P.C.

As per the prosecution case, the F.I.R. has been
lodged against unknown persons by which the allegation of theft
of mobile and Rs.1500/- as well as jewellery of Rs. 25,000/- are
there.

Learned counsel for the petitioner submits that

petitioner is innocent and has committed no offence. Counsel for the petitioner submits that his name has figured in this case by virtue of statement made by the co-accused namely, Vijay Kumar from whom he has purchased the said mobile which was subject to theft. He further submits that there is one case pending against him in which he is on bail and he is in custody since 11.03.2022.

Learned counsel further submits that the said Vijay Kumar who has disclosed the name of the petitioner has been granted bail. He also submits that the section in which the F.I.R. has been lodged, is magisterial triable.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Court of 1st Class Judicial Magistrate Railway Bettiah (West Champaran) in connection with Trial No. 1238 of 2022 arising out of Narkatiaganj Rail P.S. Case No. 23 of 2021, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file affidavit before the court about his relationship with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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