

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 57402 of 2022

Arising Out of PS. Case No.-145 Year-2022 Thana- BARAUNI RAIL P.S. District- Begusarai

SHAMBHU KUMAR @ GARPAITA Son of Birendra Mahto Resident of
village- Simariya Ghat, Vind Toli, P.S- Chakiya O.P, District- Begusarai

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Mayank Bilochan, Advocate

For the Opposite Party/s : Ms Pushpa Sinha, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 18-01-2023 Heard learned counsel for the petitioner and learned Additional Public Prosecutor (for brevity, **APP**) appearing for the State of Bihar.

The petitioner seeks bail in Rail Barauni Police Station (for brevity, **PS**) Case No 145 of 2022 dated 14.04.2022 registered for the offence punishable under Sections 401, 414/34 of Indian Penal Code and Section 147 of Railway Act, 1989.

The police have reached Railway Platform No 1 of Rajendra Pul Station on receiving information that two persons were planning to commit theft. One has fled away. The arrested person has disclosed to the police that it was the petitioner who fled away and on such basis, he has been arrested from his home and has remained in custody since 15.04.2022. The petitioner has one antecedent. That also arises out of offence under the Railway Act. It is submitted that the petitioner's implication is based on statement of co-accused. Even as per allegation, the petitioner was merely planning and no offence had been committed.

Learned APP has opposed the prayer for bail.

Having considered the rival submissions, nature of



allegation and the fact that investigation is complete, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Rail Judicial Magistrate, Barauni in Rail Barauni PS Case No 145 of 2022 dated 14.04.2022 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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