

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61200 of 2022

Arising Out of PS. Case No.-114 Year-2021 Thana- CHAPRA RAIL P.S. District- Saran

MD. ALIJAN @ ALIJAN S/o Late Sheikh Moharram Mian R/v- Kazi Bazar
Maharajganj, P.S.- Maharajganj, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Brij Kishor Mishra, Adv.

For the Opposite Party/s : Mr.Ram Bilash Roy Raman, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 30-01-2023 Heard the learned counsel for the petitioner
and the learned APP for the State.

The petitioner seeks regular bail in connection with Sessions Trial No. 213 of 2022, arising out of Chapra Rail Kachahari P.S. Case No. 114 of 2021, registered for the offence punishable under Sections 328 and 379 of the Indian Penal Code.

The allegation, according to the informant, is that while he was travelling in a train on 1.9.2021, two unknown persons had boarded the train in the same boggy and had sat near the seat of the informant, whereafter they had given a biscuit to the informant and upon the informant having



consumed the same, he became unconscious and when he regained consciousness, he found that his goods and cash amount of Rs. 1610/- had been stolen.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is languishing in custody since 31.10.2021. It is submitted that though the petitioner is an accused in two other cases, but he is on bail in one of them and in fact, he has been remanded in the present case on 31.10.2021, after he was arrested in connection with one Chapra Rail Kachahari P.S.Case No. 156 of 2021. It is further submitted that neither any Test Identification Parade has been held so as to connect the petitioner with the alleged crime nor any recovery of the looted articles / cash amount has been made from the petitioner.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and



circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record as also considering the fact that no Test Identification Parade has been held so as to connect the petitioner with the alleged crime and moreover, no looted cash amount / articles have been recovered from the possession of the petitioner, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VII, Chapra in connection with Sessions Trial No. 213 of 2022, arising out of Chapra Rail Kachahari P.S. Case No. 114 of 2021.

(Mohit Kumar Shah, J)

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