

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63109 of 2022

Arising Out of PS. Case No.-63 Year-2009 Thana- DARBHANGA RAIL P.S. District-
Samastipur

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JAY NARAYAN SAH @ CHHOTU SAH S/O LATE NATHUNI SAH, R/v-
Sunder Nagar Mahsoul, P.S.- Dumra, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Alok Kumar Alok
For the Opposite Party/s : Mr.Amit Kumar Rakesh

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**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

5 11-05-2023 Heard the learned counsel for the petitioner as well as
the learned Additional Public Prosecutor for the State.

The petitioner is seeking regular bail in connection
with S.Tr. No. 53 of 2022, arising out of Darbhanga GRP Case
No. 63 of 2009, registered for offence punishable under Section
395 of the Indian Penal Code.

The allegation against the petitioner is that he along
with 9-10 miscreants entered into the coach of a train and
committed *Dacoity* with the passengers of that train.

The learned counsel for the petitioner has submitted
that the petitioner was remanded in another case in the year
2009, but in this case he was remanded on 03.01.2022. He is in
continuous custody since 2009.



Considering the above-mentioned facts and circumstances, let the petitioner above-named be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand rupees) with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge, Samastipur in connection with S.Tr. No. 53 of 2022, arising out of Darbhanga GRP Case No. 63 of 2009, subject to the following conditions:-

(i) Before release of the petitioner, the learned court below shall verify the fact whether the petitioner is in continuous custody since 2009 or not ? If it is found that he is under custody since 2009 either in the present case or other case, his bail bond shall be accepted. The verification shall be done within ten days from communication of this order to the court below.

(ii) The petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court.

(iii) At the time of furnishing bail bond, the petitioner shall file an affidavit to the effect that he shall not indulge himself in future in the similar type of



offence. If it is found so, the prosecution will have liberty to file an application before the court below for cancellation of the bail of the petitioner and the learned court below will take decision in accordance with law.

(Nawneet Kumar Pandey, J)

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