

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62823 of 2022

Arising Out of PS. Case No.-25 Year-2019 Thana- SAHARSA RAIL P.S District- Khagaria

BINOD SHARMA S/O LATE RAM KISHUN SHARMA R/v- Jhapra Tola,
P.S.- Saharsa, District- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mrityunjay Kumar, Adv.

For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 07-04-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since 13.10.2020, in connection with S. Tr. No. 128/2022, arising out of Saharsa Rail P.S. Case No. 25/2019, F.I.R. dated 04.08.2019, for the offences punishable under Sections 395/412 of the Indian Penal Code.

According to prosecution case, 10-12 miscreants entered into the train and looted one Samsung mobile phone, papers of vehicle, Aadhar card and cash amount of Rs. 8500-9000/- from the passengers, who were seated in the train and thereafter got down from train.

Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence and he has falsely been implicated in the present case. He further submits that the petitioner



is not named in the F.I.R. The name of the petitioner has been transpired during investigation on the basis of confessional statement of co-accused namely, Sachin Kumar and nothing has been recovered from conscious possession of the petitioner. It is further submitted that till date no T.I.P. has been conducted by the prosecution and similarly, co-accused, namely, Sachin Kumar has been granted bail by a co-ordinate Bench of this Court vide order dated 13.01.2020 passed in Cr. Misc. No.74568/2019, other co-accused namely, Kundan Sharma has been granted bail vide order dated 10.12.2019, passed in Cr. Misc. No. 80677 of 2019, and other co-accused namely, Dharambir Sharma has been granted bail vide order dated 02.07.2020 passed in Cr. Misc. No. 10921 of 2020. The petitioner is in custody since 13.10.2020.

The learned Additional Public Prosecutor for the state on the other hand has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries six criminal antecedent other than the present one but fairly submits that as per para-3 of the bail petition, the petitioner is on bail in every case.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-Vth, Khagaria, in connection with S. Tr. No. 128/2022,



arising out of Saharsa Rail P.S. Case No. 25/2019, G.R. (R.)
No.176/2019, subject to the following conditions:-

1. Petitioner 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 his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. 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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