

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71125 of 2023

Arising Out of PS. Case No.-932 Year-2023 Thana- BUXAR RPF/POST District- Bhojpur

Shish Akhtar Khan Son of Late Ghyasuddin Khan R/o vill - Naya Bhojpur,
P.S. - Dumraon, Distt. - Buxar.

... .. Petitioner/s

Versus

The State Of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Brajendra Nath Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 07-11-2023 Heard Mr. Ashok Kumar Mishra, learned counsel
for the petitioner and Mr. Brajendra Nath Pandey, learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with RPF Buxar P.S. Case No. 932 of 2023 for the offences punishable under Sections 143 of the Railway Act.

3. According to prosecution case, this petitioner along with one co-accused, Md. Khalid have said to been involved in the illegal business of E-Ticketing.

4. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that the name of the petitioner has been transpired on the basis of the disclosure made by the co-accused, Md. Khalid. He further submits that except the



disclosure made by the co-accused, no other material has come during investigation to suggest the involvement of the petitioner in the present occurrence and no case is made out under Section 143 of the Railway Act against the petitioner.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries four criminal antecedents other than the present one but fairly submits on the basis of paragraph 3 of the bail petition that the petitioner is on bail in all the four cases.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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 Railway Judicial Magistrate, Ara in connection with RPF Buxar P.S. Case No. 932 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

i. 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.

ii. 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.

iii. 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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