

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70753 of 2023

Arising Out of PS. Case No.-165 Year-2023 Thana- GAYA RAIL P.S. District- Gaya

MD. JAHIR ALAM @ JAHIR HUSEN S/O KAJEEM HUSEN R/O
VILLAGE- KABIRPUR, KABIRPUR ROAD, P.S- HABIBPUR, DISTT.-
BHAGALPUR, BIHAR, PIN- 812006. PERMANENT ADDRESS-
HUSANPUR, PS. HUSANPUR, DIST. VARANASI UTTAR PRADESH

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Akbar Ali, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 09-11-2023 Heard learned counsel for the petitioner and learned

A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Rail Gaya P.S. Case No. 165 of 2023 registered on 06.06.2023
lodged under Sections 414 of I.P.C.

3. As per the prosecution case, F.I.R. has been lodged
against the present petitioner alleging therein that series of
mobile set has been recovered from the possession of the
petitioner and he is alleged to do the business of the same. None
of the paper of the mobile phone has been produced upon
inspection by the police. Upon which the police has lodged case
against 414 of the I.P.C.

4. Counsel further submits that petitioner is innocent



and has committed no offence. He further submits that only old mobile set has been recovered whose document was not with him. It is due to this reason, petitioner was made accused. Counsel for the petitioner submits that he is in custody since 06.06.2023 having one criminal case pending against him, in which he is on bail. Counsel further submits that the offence in which the case has been lodged is triable by the Magistrate.

5. Learned counsel for the State opposes the prayer for bail and submits that earlier and present case both are of same nature. So at the time of granting bail, this aspect shall be taken into consideration.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Railway Magistrate, Gaya in connection with Rail Gaya P.S. Case No. 165 of 2023, subject to the following conditions as well as the conditions laid down under Section 437 (3) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *bona fide*;



(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

7. With this observation, the bail application stands allowed.

(Dr. Anshuman, J)

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