

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75088 of 2023

Arising Out of PS. Case No.-116 Year-2023 Thana- DARBHANGA RAIL P.S. District-
Samastipur

Md. Anjar S/O Md. Salim R/O Village- Jaynagar Kamla Road, Ward No. 06,
P.S. Jaynagar, District- Madhubani, State Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Lakshmi Kant Sharma, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 29-11-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Rail Darbhanga Jaynagar P.S. Case No. 116 of 2023, lodged on
09.07.2023 under Section 379 of the Indian Penal Code.

3. As per the prosecution case, the FIR has been
lodged against unknown accused persons against whom the
allegation is of theft of Rs. 26,000/- from the pocket of the
informant.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. Counsel
also submits that antecedent of the petitioner is clean and he is
in custody since 10.07.2023.



5. Learned counsel for the petitioner submits that from the seizure list, it transpires that nothing has been recovered from the possession of the petitioner. Counsel also submits that the petitioner was also not put on TIP. Counsel further submits that the name of the petitioner has been figured in this case only by virtue of CCTV footage when the distribution of theft articles among co-accused persons took place. Counsel also submits that the petitioner is accused under section 379 IPC which is magisterial triable.

6. Learned APP for the State opposes the prayer for bail of the petitioner and submits that it is true that the petitioner's antecedent is clean but the petitioner was identified on the CCTV footage.

7. In the present facts and circumstances of this case and the submissions made above considering the fact that the antecedent of the petitioner is clean and case is of magisterial triable, 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 J.M. 1st Class, Railways, Samastipur in connection with Rail Darbhanga Jaynagar P.S. Case No. 116 of 2023, subject to the conditions as laid down U/s 437(3) Cr.P.C. as well as the



following conditions:

(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.

(Dr. Anshuman, J.)

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