

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73720 of 2023

Arising Out of PS. Case No.-53 Year-2023 Thana- BEGUSARAI RAIL P.S. District-
Begusarai

MD. MAHFUZ @ MD. MAHFUJ S/o- MD. MUSLIM Village- Chhoti
Baliya Upar Tola W.No-11, Ps- Baliya Dist- Begusarai

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Yugal Kishore
For the Opposite Party/s : Mr.Umanath Mishra

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 22-11-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Begusarai Rail P.S. Case No. 53 of 2023 registered for the
offences punishable under Sections 379, 411 of the Indian Penal
Code.

3. As per prosecution case, informant's mobile is said
to have been recovered from possession of the petitioner and
mobile of informant's mother is said to have been recovered
from possession of co-accused Md. Mumtaz.

4. Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence as alleged
in the FIR and he has falsely been implicated in this case as



there was quarrel between the informant and petitioner during travel in train and petitioner was forcefully caught hold by the informant and others and he was handed over to the police. Petitioner is in custody since 01.08.2023. Petitioner bears criminal antecedent of four cases in which he is on bail. He further submits that charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence.

5. The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, period of custody, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Rail, Begusarai in connection with Begusarai Rail P.S. Case No. 53 of 2023, subject to following conditions:-

(i) One of the bailors shall be either father or mother



or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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