

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73191 of 2022

Arising Out of PS. Case No.-175 Year-2022 Thana- CHAPRA KACHARI RAIL P.S. District-
Saran

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NITESH RAI @ NITESH KUMAR S/O NAGENDRA KUMAR RAI
Resident of village- Kachahari Station Salempur Chapra, P.S.- Chapra town,
District- Saran (Chapra).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sachida Nand Rai, Adv.

For the Opposite Party/s : Mr. Ajay Kumar Jha, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 12-04-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
31.08.2022, in connection with Chapra Kachahari Rail P.S. Case
No. 175/2022, F.I.R. dated 28.08.2022, for the offence
punishable under Section 394 of the Indian Penal Code.

According to prosecution case, the petitioner along
with other two co-accused persons are alleged to have snatched
money from the pocket of the informant while the informant
was travelling in a train and when the informant made protest,
one of the miscreants assaulted him with knife on his abdomen.

Learned counsel for the petitioner submits that the
petitioner has clean antecedent and he has falsely been



implicated in the present case, only on the basis of disclosure made by the co-accused, namely, Anish Kumar. He further submits that nothing has been recovered from conscious possession of the petitioner and till date no T.I.P. has been conducted by the prosecution. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 31.08.2022.

The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner.

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 Railway Judicial Magistrate, Sonapur, Saran, in connection with Chapra Kachahari Rail P.S. Case No. 175/2022, 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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