

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26506 of 2024

Arising Out of PS. Case No.-212 Year-2023 Thana- GAYA RAIL P.S. District- Gaya

1. Roushan @ Foku SON OF BHIM MANJHI RESIDENT OF VILLAGE- ANDAR BAIRAGI, PS- DELHA, DIST- GAYA
2. KICHAK @ JITU SON OF KACHAR MANJHI @ PILTU MANJHI @ RAVI RESIDENT OF VILLAGE- ANDAR BAIRAGI, PS- DELHA, DIST- GAYA

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar, Adv.
For the Opposite Party/s : Ms.Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 17-05-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners seek bail in connection with Rail
P.S. Gaya Case No. 212 of 2023 registered for the offences
punishable under Sections 394, 411 of the IPC.

3. As per prosecution case, co-accused Shiva Kumar
was apprehended on the spot along with other. It is further
alleged that informant was assaulted by means of lathi and
danda by the accused persons and they also looted away the bag
of the informant. It is further alleged that apprehended co-
accused disclosed the name of petitioners who fled away from
the place of occurrence.



4. Learned counsel for the petitioners submits that petitioners are quite innocent and have committed no offence as alleged in the FIR and they have falsely been implicated in the case. He further submits that no incriminating article has been recovered from conscious possession of the petitioners. No TIP has been conducted. Petitioners are in custody since 24.07.2023, as mentioned in the impugned order. Petitioners bear no criminal antecedent. Co-accused Shiva Kumar, who has apprehended on the spot, has already been granted bail by this court vide Cr. Misc. No. 82904 of 2023 and case of present petitioners stands on better footing as they were not apprehended on the spot.

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

6. Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioners, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioners above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Railway Judicial Magistrate, Gaya/ concerned court in



connection with Rail P.S. Gaya Case No. 212 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) Petitioners 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 petitioners tamper 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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