

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29162 of 2024

Arising Out of PS. Case No.-139 Year-2022 Thana- KHAGARIA RAIL P.S. District-
Khagaria

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1. Bikram Kumar Roy @ Bikram Kumar Ray S/o Dipak Chandra Ray R/o vill
- Naya Tola, P.S. - Manihari, Distt. - Katihar
 2. Raj Kumar Yadav S/o Late Swargechi Yadav R/o vill - Kantakosh, P.S. -
Manihari, Distt. - Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sharda Nand Mishra
For the Opposite Party/s : Mr.Shyam Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 03-07-2024 Heard learned counsel for the petitioner and learned APP
for the State.

2. At the very outset, learned counsel for the petitioners
seeks permission to withdraw this application with regard to
petitioner no.1, who has been apprehended by the police, during
pendency of this anticipatory bail application.

3. As prayed for, the present application is dismissed as
withdrawn only with respect to petitioner no.1.

4. Now, it is being heard for consideration of bail of the
petitioner no.2.

5. The petitioner no.2 apprehends his arrest in a case



registered for the offence punishable u/s 379 IPC.

6. Allegedly, purse of the informant containing two mobiles and I.D.s and A.T.M. card has been stolen away by unknown thieves from the train.

7. It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. He is not named in the F.I.R. and has been falsely implicated in this case merely on suspicion. The allegation leveled against the petitioner is not specific rather general and omnibus in nature. No incriminating article has been recovered from the conscious physical possession of the petitioner. Furthermore, the occurrence is alleged to have taken place on 06.09.2023 but the F.I.R. has been lodged on 17.09.2023, i.e. after delay of 11 days, without giving any plausible explanation, which itself creates doubt about the case. Petitioner has no criminal antecedent.

8. Learned APP for the State opposed the prayer for bail.

9. Having regard to the facts and circumstances of the case, let the above named petitioner no.2, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned



court below where the case is pending/Successor Court in connection with Khagaria Rail P.S. Case No.139 of 2022, G.R. (R) No.100/2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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