

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28747 of 2024

Arising Out of PS. Case No.-7 Year-2020 Thana- SASARAM RAIL P.S. District- Gaya

KAMAL KUMAR SON OF HIRA SINGH RESIDENT OF VILLAGE -
NEWRAS, P.S. - KUDRA, DISTRICT - KAIMUR AT BHABUA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shyam Bihari Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 15-05-2024 Heard the parties.

2. The petitioner is apprehending arrest in connection with Sasaram Rail P.S. Case No. 07/2020 instituted under Section 379 of the Indian Penal Code lodged on 8.1.2020 by the informant, Parmeshwar Prasad.

3. As per the prosecution story, the informant alleged that while he was travelling with his wife from Delhi to Hazaribagh, near Sasaram, one person snatched the purse which contained gold chain, ear ring and mobile and jumped from the train. Accordingly, the FIR.

4. Subsequently, investigation took place and this petitioner was found to be using the mobile, accordingly came into the present case.

5. Learned counsel for the petitioner submits



though the matter is of the year 2020, he never came to know that his name has cropped up, only recently, he got the knowledge, actually he is Driver and upon loss of his mobile, purchased the same from a local little realizing that it is a theft material, he do not have criminal antecedent and further irrespective of the outcome of the present case and/or accepting the allegation, the petitioner intends to contribute Rs. 2000/- to the District Legal Services Authority, Kaimur at Bhabhua for the purchase of journals.

5. Learned APP opposes the prayer stating that he was found using the mobile and the matter is of the year 2020.

6. Though, the matter is of the year 2020, the contention of the petitioner is that he came to know it later, his name has cropped, he will have to face the trial and do not have criminal antecedent, this Court is inclined to extend him the privilege of anticipatory bail subject to payment of Rs. 2000/- to the District Legal Services Authority, Kaimur at Bhabhua which shall be used exclusively for the purchase of journals.

7. Let the petitioner be released on bail, in the event of his arrest or surrender before the subordinate court within a



period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each in connection with Sasaram Rail P.S. Case No. 07/2020 to the satisfaction of learned Chief Judicial Magistrate, Gaya subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her 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 bond by the Trial Court itself;

(iii) the petitioner shall co-operate in the investigation and make himself available to the police as and when required;

(iv) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(v) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences,



failing which the State shall be at liberty to take steps for
cancellation of the bail bonds;

(vi) the petitioner shall desist from committing any
criminal offence again, failing which the State shall be at
liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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