

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49235 of 2024

Arising Out of PS. Case No.-35 Year-2024 Thana- KIUL RAIL P.S. District- Lakhisarai

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Amarjeet Kumar Jha, Son of Raj Kishor Jha @ Raju Jha, Resident of Village-
Barhiya, Ramcharan Tola, Ward No.5, P.S.- Barhiya, District- Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Navin Prasad Singh, Advocate
		Mr. Narayan Singh, Advocate
For the Opposite Party/s :		Mr. Anuj Kumar Shrivastava, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 21-09-2024 Heard Mr. Navin Prasad Singh, learned Advocate for
the petitioner and learned APP for the State.

2. The petitioner seeks regular bail, who is in custody
in connection with Rail Kiul (Barahiya) P.S. Case No. 35 of
2024 registered for the offence punishable under Section 394 of
the Indian Penal Code.

3. While the informant was got down from Maurya
Express Train No. 15027 UP, in the meantime, two unknown
miscreants came there and demanded Rs.400/-. When the
informant protested, one of the miscreants assaulted him with
knife and also snatched Rs.5,000/-, golden chain, wrist watch
and mobile and fled away.



4. Learned Advocate for the petitioner contended that the F.I.R. has been instituted against unknown miscreants. However, the name of the petitioner has been disclosed by one Golu Kumar @ Avinash Kumar Singh. On the disclosure made by co-accused Golu Kumar @ Avinash Kumar Singh, the petitioner was arrested from his house. During search, it is alleged that wrist watch, mobile and Rs.640/-, which were said to be the subject matter of the crime, have been recovered from the house of the petitioner. But, surprisingly, the recovery is said to have been made from the house of the petitioner, but there was neither the signature of any family members of the petitioner nor the copy of the seizure list has been handed over to the petitioner or any person, which suggests malafide on the part of the police official, apart from the defiance of Section 100 of the Cr.P.C. It is further contended that the false implication of the petitioner is also evident from the fact that the petitioner was put on Test Identification Parade, but the informant has not identified him. Be that as it may, now the petitioner has been incarcerated since 19.03.2024, having fair antecedent.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that the looted articles were recovered from the house of the petitioner.



6. Regard being had to the submissions made on behalf of the parties and considering the infirmities in the search and seizure, coupled with the fact that the petitioner has not been identified by the informant in the TIP, moreover, the petitioner has got fair antecedent, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Railway Judicial Magistrate, Lakhisarai in connection with Rail Kiul (Barahiya) P.S. Case No. 35 of 2024, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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