

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11037 of 2025

Arising Out of PS. Case No.-51 Year-2024 Thana- GAYA RAIL P.S. District- Gaya

Ajhar Hussain @ Azhar Hussain S/o- Adil Hussain R/o Mohalla- New
Karimganj Road no- 3 PS- Civil Lines District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Priya Shrivastava, Advocate

For the Opposite Party/s : Mr. Nagendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

4 11-04-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Gaya
Rail P. S. Case No. 51 of 2024, dated 02-04-2024 instituted for
the offence punishable under Sections 392 and 411 of the Indian
Penal Code.

3.The prosecution case, in brief, is that on 02.04.2024,
the informant was traveling from Dehri-On-Sone to Gaya on
Train No. 18639 (Ara–Ranchi Express). At approximately 14:10
hours, while the train was crossing the Karimganj Bridge, the
informant was standing near the door of a compartment when an
unknown assailant suddenly attacked on his leg. As a result, the
informant lost his balance, fell down from the moving train and
sustained injuries. Taking advantage of the situation, the



assailant snatched the informant's mobile phone of Oppo Company from his pocket and fled away. Following the incident, the informant reached the concerned police station, from where he was referred to J.P.N. Hospital, Gaya, for medical treatment. After treatment, the informant submitted a written report narrating the sequence of events.

4.Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case. It is contended that the petitioner has not been named in the First Information Report (FIR), and his implication has surfaced only during the course of investigation. It is further submitted that the petitioner has been made an accused merely on the basis of alleged recovery of a stolen mobile phone bearing IMEI Nos. 866132061472936 and 866132061472928. Learned counsel further submits that no Test Identification Parade (T.I.P.) has been conducted till date to establish the involvement of the petitioner in the alleged occurrence, which makes the prosecution case doubtful. It is lastly submitted that the petitioner is in custody since 03.04.2024. Although two other criminal cases are stated to be pending against him, in the present case, the charge-sheet has already been submitted before the concerned court.



5. Learned A.P.P. has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Railway Judicial Magistrate, Gaya, in connection with Gaya Rail P. S. Case No. 51 of 2024, subject to the following conditions:- (i) that the petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the court below, (ii) that one of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife, (iii) that the bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse (iv) that 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 and (v) that the petitioner will appear before the S.H.O.



of concerned PS every fortnightly to mark his attendance till conclusion of the trial.

7. The application stands allowed.

(Khatim Reza, J)

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