

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12699 of 2025

Arising Out of PS. Case No.-33 Year-2012 Thana- SONPUR RAIL P.S. District- Saran

Shiv Nath Prasad @ Shiv Koeri S/o- Deoki Parasad Village- Magalapur Ps-
Sagarampur Dist- Motihari

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vishesh Kumar Singh, Advocate

For the Opposite Party/s : Mr. Zainul Abedin, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 05-03-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Chapra
Rail P.S. Case No. 33 of 2012 instituted for the offences under
Section 22 of the N.D.P.S. Act.

3. Prosecution case, in short, is that two persons were
apprehended having AT van tablets and sweets who confessed
that they used to rob the train passengers by feeding them. On
confession of the co-accused, name of the petitioner sprang up.

4. Learned counsel for the petitioner submitted that the
present case is the case of misuse of bail. Learned counsel
further submitted that petitioner was granted anticipatory bail by
a coordinate Bench of this Court vide order dated 18.03.2013



passed in Cr. Misc. No. 6953 of 2013. It is further submitted that petitioner went outside the state for his livelihood and on 21.09.2019, the bail bonds of the petitioner was cancelled and process under Section 83 of the Cr.P.C. was initiated against him, and thus, there is a misuse of bail for a period of approximately five years. Learned counsel further submits that petitioner has four criminal antecedents and is in custody since 13.01.2025. Learned counsel, therefore, prays that the petitioner may be released on bail and also that the petitioner undertakes to abide by any condition/s imposed by this Court if released on bail.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case, the undertaking given on behalf of the petitioner as also the period of custody undergone by him, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Chapra Rail P.S. Case No. 33 of 2012, subject to the following conditions:



(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(III) 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.

(Rudra Prakash Mishra, J)

Alok Verma/-

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