

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25146 of 2025

Arising Out of PS. Case No.-259 Year-2024 Thana- KATIHAR GRP CASE District- Katihar

Amit Kumar Choudhary @ Bawaa, aged about 27 years, Gender- Male, son of Radha Choudhary, resident of Village- Dahariya Laxmi Tola, P.S.- Nagar, District- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md Musowir, Advocate

For the Opposite Party/s : Mr. Humayou Ahmad Khan, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 30-04-2025 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. The petitioner seeks bail in connection with Katihar Rly. PS Case No.259 of 2024 dated 27.10.2024, instituted for the offence punishable under Section 309(6) of the Bhartiya Nyaya Sanhia, 2023.

3. The prosecution case, in short, is that the informant was coming from Amritsar and on the alleged date and time of occurrence when he reached on platform no.5 at Katihar Railway Station, he had gone to attend call of nature. A person from back caught his neck and another person did not allow him to attend the call of nature. They assaulted him due to which he sustained injury and became unconscious. When he gained his



consciousness, he found that his mobile, cash rupees two thousand, bag-pack etc. were missing.

4. Learned counsel for the petitioner submits that the FIR has been lodged against unknown persons. During course of investigation, on Sanjay Singh was arrested and he confessed his guilt. On the basis of his confession, the petitioner was arrested. Further submission is that nothing has been recovered either from conscious possession or from the house of the petitioner. It is further submitted that charge-sheet has been submitted in the case. Lastly, it is submitted that the petitioner is in custody since 20.11.2024 having one criminal antecedent.

5. Learned APP 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 ACJM, Rly., Katihar, in Katihar Rly. PS Case No.259 of 2024, subject to the 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, and (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.

7. The application stands allowed.

(Khatim Reza, J)

J. Alam/-

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