

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31739 of 2025

Arising Out of PS. Case No.-38 Year-2025 Thana- SAMSTIPUR RAIL P.S District-
Samastipur

Md. Asif Husain @ Sonu @ Asif Hussain S/O Shamsheer Hussain R/O
Mohalla- Majaraji Pokhar Purana Ghat, Ward No. 40, P.S- Town, Distt.-
Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Majid Mahboob Khan, Advocate
For the Opposite Party/s : Mr.Arun Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

2 19-05-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner seeks regular bail in connection with
Samastipur Rail P.S. Case No. 038/2025 registered for the
offences under Sections 123, 303(2) and 3(5) of B.N.S.

3. As per the prosecution case, it has been alleged that
while the informant was travelling by Rail, two persons offered
him tea and after drinking the tea he became unconscious.
When the informant regained his senses, he found that his
luggage and mobile etc., were stolen.

4. Learned counsel for the petitioner submits that
petitioner is not named in the FIR and his name has surfaced
during the course of investigation as from the CDR of the



informant's mobile, it was found that it was the petitioner who was using the said mobile of the informant. Learned counsel further submits that the petitioner has purchased the said mobile from one Mahtab and Sadare Alam. Learned counsel further submits that till date no TIP has been done. It is lastly submitted that the petitioner has clean antecedent and is languishing in custody since 08.03.2025.

5. Learned counsel for the State has opposed the prayer for bail of the petitioner and submits that petitioner is part of the gang who loots innocent passengers travelling by train.

6. Considering the aforesaid facts and circumstances of the case and taking into account that petitioner has clean antecedent and is in custody since 08.03.2025, let the petitioner above-named be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.D.J. IV, Samastipur in connection with Samastipur Rail P.S. Case No. 38/2025 subject to the conditions :-

- a. One of the bailors of the petitioner shall be his close relative.
- b. The petitioner shall remain physically present



in Court on each date of the trial.

- c. In case of absence on two consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to the cancelled by the Court concerned.
- d. 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 step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the aforementioned order shall not be delayed for purpose of or in the name of verification.

(Sourendra Pandey, J)

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