

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89333 of 2024

Arising Out of PS. Case No.-20 Year-2022 Thana- NAUGACHHIYA RAIL P.S. District-
Khagaria

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Rakesh Kumar @ Rakesh Kumar Mehta Son of Jai Prakash Mehta Resident
of Village - Harda Purnea. Present Resident of Village - Gandhi Gram, P.S. -
Barari, District - Katihar

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner	:	Mr. Praveen Kumar Agrawal, Advocate Mr. Ranu Kumar, Advocate
For the State	:	Mr. Santosh Kumar Singh, Advocate Mr. Chandra Sen Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 10-01-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Naugachiya Rail P.S. Case No. 20 of 2022, G.R. Rail No. 69 of 2022, registered for the offences punishable under Section 392 of the IPC subsequently, section 395, 412, 120B, 201 of the Indian Penal Code and Section 27 of the Arms Act were added.

3. As per the FIR, it is alleged that the informant was travelling by train carrying some jewelries worth ₹1,42,34,664/-, but in the way, some accused persons, robbed the jewelries of the informant and fled away.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has falsely been implicated in this case. The FIR is lodged against unknown persons. The name of the petitioner transpired in the confessional statement of co-accused. He further submits that no recovery of alleged stolen property has been made from the conscious possession of the petitioner and till date the petitioner has not been put on T.I. parade. It is further submitted that one other co-accused person has been granted bail by this Court, vide Cr. Misc. No. 9317 of 2023 and other co-accused persons have also been granted bail by co-ordinate Benches of this Court.

5. He further submits that the petitioner has been languishing in jail since 01.03.2024.

6. It has also been stated in paragraph no. 3 of the bail petition that the petitioner has been made accused in one other case.

7. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one.

8. However, learned APP for the State vehemently opposes the prayer of the petitioner for bail.

9. Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioner, above-



named, to be enlarged on bail on his furnishing bail bonds in the sum of 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Rail Judicial Magistrate, Khagaria, in connection with Naugachiya Rail P.S. Case No. 20 of 2022, G.R. Rail No. 69 of 2022, on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not get hampered on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has concealed his criminal antecedents, learned court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.



(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, learned court below shall cancel the bail bonds of the petitioner.

(Jitendra Kumar, J)

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