

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3888 of 2025

Arising Out of PS. Case No.-204 Year-2024 Thana- BAROUNI (R.T) District- Katihar

Raja Kumar S/O Late Shankar Mahto @ Shankar Mahto R/O- Vilage-
Phulwaria (Phulwaria 01), Kairywari, Ward no.- 5, P.S.- Phulwaria, District-
Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam, Advocate
For the Opposite Party/s : Mr. Ajay Kumar Jha, APP

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

ORAL ORDER

2 30-01-2025 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with
Barauni Rail (Barauni GRPS) Case No. 204 of 2024 instituted
for the offence under Sections 317(5) & 3(5) of the Bharatiya
Nyaya Sanhita, 2023.

3. Police on tip off reached in the train, where two
alleged accused were caught by the public on suspicion of theft.
On search, there is recovery of one mobile phone and two ATM
cards from the possession of the petitioner.

4. It has been submitted on behalf of the petitioner
that the petitioner is in custody since 05-10-2024. Petitioner
bears nine criminal antecedents, as per disclosure made in



paragraph No. 3 of the bail application.

5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. It is submitted that petitioner has not committed any theft in the train, rather on extraneous consideration, he has been implicated and the recovery is planted. There is no compliance of Section 103 of the BNSS, 2023. Police after completion of investigation has submitted charge sheet in this case.

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

7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner, manner of petitioner's implication and charge sheet being submitted, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner be released on bail, ***after framing of charge, if not already framed***, 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 Barauni Rail (Barauni GRPS) Case No. 204 of 2024, 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.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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