

IN THE COURT OF ADDITIONAL SESSIONS JUDGE-II, GAYA

BAIL PETITION NO. 432 OF 2026

[Arising out of Gaya Rail P.S. Case No. 28 of 2026]

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1. Anish Kumar son of Rajeshwar Prasad,
R/o.-Digha Ward no.1 P.S. Dhangai, Distt-Bhojpur.

2. Ashutosh Kumar son of Hare Ram Singh,
R/o.- Dawan Ward no.14 P.S. Jagdishpur, Distt-Bhojpur.

----- Accused Petitioner

VERSUS

The State of Bihar

----- Opposite Party

Present:- Nalin Kumar Pandey

12.03.2026

1. This Regular bail application has been filed on behalf of above named accused petitioners who are in custody since 02.02.2026 in connection with Gaya Rail P.S. Case No. 28 of 2026 registered for the offences under Section 317(5)/3(5) of the B.N.S.

2. Sri Triloki Singh, the learned counsel has appeared to move this Regular bail prayer. The prosecution is represented by the Addl. Public Prosecutor.

3. The learned defence counsel has submitted that one mobile of VIVO company bearing no.9142604138 is of brother of accused Anish. There is not any criminal antecedent against the accused petitioners. The allegation against the petitioner is false and concocted. On these grounds a prayer has been made for grant of Regular bail to the accused petitioner.

4. The prosecution story based on written application of informant, in brief is that on 02.02.2026, at about 05.30 hrs, the informant along with other members of the police party were on patrolling duty at Gaya Railway Station for monitoring criminal activities. At about 5:30 AM, near the toilet area close to Platform no. 6, two persons were seen standing in suspicious condition. When they saw the police team, they attempted to run away but the patrolling team surrounded and apprehended them. When inquired about the reason of hiding, they did not give any satisfactory answer. On their interrogation, they disclosed their name and address as petitioners of this

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case. After conducting their proper search, two Android Mobile one Samsung and other of VIVO company bearing no.9142604138 recovered from right pocket of Anish Kumar and two Android mobile phones of POCO and Redmi company recovered from left pocket of Ashutosh Kumar. On inquiry about recovered mobile, they confessed that they used to steal cell phones/mobile of passengers and sell thereafter. They could not produce any valid documents of recovered mobiles.

5. Heard the Ld. A.P.P. and the Ld. Counsel of defence and perused the case record. From perusal of the case record it appears that, allegation made against the petitioners is of stealing mobile phones. As per submission of Ld. Counsel one mobile phone of VIVO Company bearing no.9142604138 belongs to brother of accused petitioner Anish Kumar. No criminal antecedent found against the petitioners. The petitioners are about the age of 20 to 22 years. From perusal of F.I.R, it is noticed that any independent witness has not supported the prosecution story. Any other owner has not been cited by the police of the recovered mobiles. Petitioners are in custody since 02.02.2026

6. Considering the period of custody, this Court is inclined to grant regular bail to the accused petitioners. The accused petitioners be released from judicial custody of this case on furnishing bail bond of Rs 10,000/- with two sureties of like amount to the satisfaction of learned Jurisdiction Magistrate.

This regular bail application is hereby **allowed**.

Sd-

(Nalin Kumar Pandey)

Additional Sessions Judge-II, Gaya

12.03.2026