

IN THE COURT OF ADDL. SESSIONS JUDGE -IInd, GAYA

B.P. No. 3312/2022

(Arising out of Railway Patna Sasaram P.S. Case No. 185/2022 u/s 379, 411 of I.P.C.)

In the matter of :-

Salman Quraishi @ Md. Kaif S/o Sahabuddin Quraishi

@ Sahabu Quraishi, R/o Mohalla- Tutbari Road Panchayati

Akhara (Taj Colony), P.S. Kotwali, Dist. Gaya

.....petitioner

Vrs.

State of Bihar

----- O.P.

Ld. Counsel for the petitioner :- Sri Arun Kumar,

Ld. Counsel for the State :- Ld. A.P.P.

Present :- Raj Kumar Rajput

Additional Sessions Judge – II, Gaya

ORDER

19.12.2022

The present bail petition has been filed on behalf of above named accused/petitioner who is in custody since 12.09.2022 in connection with above mentioned case registered u/s 379, 411 of I.P.C.

Arguments were heard from both the parties.

Learned defence counsel submitted that the petitioner has not filed any bail either anticipatory or regular bail petition before this court or any Hon'ble higher court. It is further submitted that petitioner is an innocent, committed no offence and has been falsely implicated in this case. It is further submitted that petitioner is vegetable and fruits seller while his father is lying on bed permanently. Lastly he submitted that petitioner having no criminal antecedent and he is in judicial custody since 12.09.2022, so he may be released on bail.

Per contra the Ld. A.P.P. appeared on behalf of State vehemently opposed the prayer for bail.

Prosecution story, in brief, as per informant Deepak Kumar is that on 11.09.2022, he was travelling from Mugalsarai to Sasaram of train No. 22410DN Anand Vihar to Gaya Garibrath and when the train reached at Sasaram Railway Station and at that very time he was trying to get off the train then one person after snatching his mobile from his pocket trying to flee away but he was caught with the help of police or railway passenger and on asked disclosed his name as petitioner and on search one mobile was recovered.

Heard both sides, from perusal of case record it appears that petitioner was arrested on the spot and mobile from whom was stealing and running away was recovered from his possession. As per para 3 of his bail application, petitioner having no criminal antecedent

and charge-sheet has been filed against the petitioner and now nothing is to be recovered from his possession and case diary is not required in this case because petitioner was arrested on the spot with theft article and petitioner is lying in judicial custody since 12.09.2022.

Considering the facts and circumstances of the case, find it proper to enlarge the petitioner on bail hence the prayer for bail of the petitioner is hereby allowed and petitioner is directed to be released on bail on furnishing of bail bond of Rs 10000/- (ten thousand) with two sureties of like amount each with the satisfaction of learned court concerned with further conditions:-

1. That one of the bailors shall be close relative of the accused/petitioner.
2. That the accused/ petitioner undertake that they shall not indulge in any similar nature of offence till conclusion of the trial and on failing so, court concerned shall be liberty to cancel the bail bond in present case if reported by the prosecution.

(Dictated)

Sd/-

Addl. Sessions Judge-II, Gaya