

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.39515 of 2015

Arising out of PS.Case No. -12 Year- 2015 Thana -BEGUSARAI GRP CASE District-  
BEGUSARAI

Rajeev Rai, son of Suraj Rai, resident of Village - Karor Khaiyapur, P.S. -  
Cheria Bariarpur, District - Begusarai.

.... .... Petitioner

Versus

The State of Bihar.

.... .... Opposite Party

Appearance :

For the Petitioner : Mr. Raj Kumar Sinha, Advocate.

For the Opposite Party : Mr. Ashok Kumar Singh (App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH  
ORAL ORDER

3 12-10-2015 Heard learned counsel for the petitioner and learned  
counsel for the State

The petitioner is languishing in custody since 26.03.2015  
in connection with Barauni Rail P.S. Case No. 12 of 2015 for the  
offences instituted under Section 379 of the IPC.

The prosecution story, in brief, is that on 24.03.2015,  
when the informant, a passenger of *Mithila Express*, was traveling  
to Muzaffarpur and when the train stopped at Barauni Junction,  
the accused petitioner started getting down with his V.I.P. red  
colour luggage to which he noticed and caught him. The Escort  
Party also arrived there and on query the caught person disclosed  
his name Rajeev Mahton, i.e., the accused petitioner.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 26.03.2015 and the charge sheet has been submitted in the case. There is no allegation of tampering with the evidence against the petitioner. The petitioner is said to have been made accused in the present case due to mistake of fact. Other passengers of the train had asked the petitioner to pass the bag upon which he under good faith acted and passed the bag in question.

On behalf of the State it has been submitted that the petitioner is named in the F.I.R.

Considering the period under custody, let the petitioner above named, be released on bail on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Railway Judicial Magistrate, Barauni, District-Begusarai, in connection with Barauni Rail P.S. Case No. 12/2015.

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**(Sudhir Singh, J)**