

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3656 of 2016

Arising Out of PS.Case No. -7 Year- 2014 Thana -BEGUSARAI GRP CASE District-
BEGUSARAI

1. Chandramauli Kishore Pankaj @ Chandramauli Kishore son of Late Ram Pratap Rai Resident of Village - Nanakchak, Mathurapur, P.S. - Bidupur District - Vaishali, at present Senior Section Engineer Rail Path, Danapur, Patna.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

with

Criminal Miscellaneous No.4350 of 2016

Arising Out of PS.Case No. -7 Year- 2014 Thana -BEGUSARAI GRP CASE District-
BEGUSARAI

PAVAN KUMAR @PAWAN KUMAR, son of Sri Badri Prasad Rajak, Resident of village-Gangala Ramesh Jha Road Ward No. 20 P.S. Saharsa at present posted as Executive Engineer (Construction) Dhanbad

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.3656 of 2016)

For the Petitioner/s : Mr. Suraj Narain Sinha, Sr. Advocate

For the Opposite Party/s : Mr. Gulwar Begam (App)

(In Cr.Misc. No.4350 of 2016)

For the Petitioner/s : Mr. Raj Kumar Sinha

For the Opposite Party/s : Mr. Braj Kishore Prasad(App)

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 11-04-2016 Heard learned counsel for the petitioners and learned counsel appearing on behalf of the State.

The petitioners in Criminal Miscellaneous No. 3656 of 2016 and Criminal Miscellaneous No. 4350 of 2016 being the Senior Section Engineer, Rail Path, posted at

Danapur, Patna and the Executive Engineer (Construction) posted at Dhanbad railways are apprehending their arrest in connection with Garhara R.P.F. Case No. 07 of 2014 registered for the offences punishable under Section 3 /4 of R.P.(U.P.) Act.

Learned senior counsel appearing on behalf of the petitioners submits that the present petitioners are not named in the F.I.R. The prosecution case was registered on account of the fact that certain scrap materials which was loaded from Danapur railway yard to be sent to Garhara railway yard on two trucks. After reaching Garhara, it was discovered that there was shortage in the goods loaded from Danapur and, therefore, a case was registered against the proprietor Suman Construction namely, Abhay Singh who had provided the truck to reach the materials to Barauni (Garhara). It is submitted that the petitioners came to face prosecution on account of the confessional statement made before the police by the one truck driver, Mukesh Kumar who is also a co-accused in this case. It has further been submitted that both the petitioners are Railway officials posted at higher posts and having impeccable service record and are being prosecuted for no fault of theirs. The only allegation that can be made against them is that they had

subscribed their signatures on the memos releasing the aforesaid scrap materials which was to be transported from Danapur to Garhara railway yard.

Considering the nature of the allegations made and that the petitioners have had a limited role to play and that they cannot be prosecuted on the basis of the confessional statement made before the police by co-accused, let the petitioners Chandramauli Kishore Pankaj @ Chandramauli Kishore and Pavan Kumar @ Pawan Kumar, in the event of their arrest / surrender within a period of four weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the each amount to the satisfaction of the learned Railway Judicial Magistrate, Barauni, District-Begusarai in connection with Garhara R.P.F. P.S. Case No. 07 of 2014, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

It is made clear that both the petitioners shall make themselves available for examination at all relevant times so that the prosecution is not prejudiced in any manner.

(Anjana Mishra, J)

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