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IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27647 of 2016

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

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1. Abhay Kumar S/o Chandradeep Yadav, resident of village- Karai, P.S.- Naubatpur, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Devendra Narayan Singh
For the Opposite Party/s : Mr. Manoj Kumar

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA

ORAL ORDER

2 09-08-2016 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

The petitioner apprehends his arrest in connection with a case registered for the offences punishable under Sections 3 and 4 of the R.P.(U.P.) Act.

Learned counsel for the petitioner submits that the petitioner is the proprietor of one M/s Suman Construction Sarari, Khagaul, Patna. He is also a transporter and undertakes the contract of transporting scrap materials from Danapur Railway Division to Garhara railway yard. The allegation against the petitioner is that during the course of one such transportation between the aforesaid two stations, the scrap material which was loaded in two trucks from the railway yard at Danapur after being duly weighed, was

found to be short in weight at Garhara railway yard. Learned counsel for the petitioner submits that actually when the alleged transportation was made, no shortage was found at the railway yard and in pursuance of the weighment made at bridge at Garhara railway yard, the petitioner received all payments. It was only subsequently, that after the goods were off-loaded at Garhara railway yard, some inspection was made and it is alleged that the scrap off-loaded at Garhara, was in shortage leading to loss to the railways.

Having heard learned counsel for the petitioner and after considering the materials on record including the payment made to the petitioner, it is evident that the railways after considering the fact that the work had been completed on 06.12.2014 and the measurement had been made on 14.03.2015 itself, was fully satisfied that there was no discrepancy at that point of time. It thus, appears that the First Information Report was lodged after a considerable length of time and it is not expected that the goods off-loaded at that point of time, would be available in the godown at Garhara. It is strange, how the goods which were off-loaded in the month of March itself was sought to be weighed in the month of December by the authorities to attach the liability on the transporter/contractor.

Considering all facts and circumstances and that the report of the In-charge is of the month of December, let the petitioner, in the event of his 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) with two sureties of the like amount each to the satisfaction of the learned Railway Judicial Magistrate, 1st Class, Barauni, Begusarai in connection with Garhara RPF Case No. 7 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

(Anjana Mishra, J)

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