

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39633 of 2017

Arising Out of PS.Case No. -8 Year- 2017 Thana -NAUGACHHIYA RPF POST District-
KHAGARIA

- =====
1. Raja @ Nepali, Son of Md. Jahangir.
 2. Md. Faiyaz, Son of Md. Jahangir
 3. Md. Mumtaz, Son of Munna @ Md. Rahman.
 4. Md. Tinku Son of Md. Lalu, All are residents of Village- Jamalpur, Police Station- Thana Bihpur, District- Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Viveka Nandsingh, Advocate
For the Opposite Party/s : Mr. Pranav Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

2 12-09-2017 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Naugachhiya R.P.F. Police Station Case No. 08 of 2017, disclosing offences under Sections 3 of Railway Property (Unlawful Possession) Act.

Learned counsel for the petitioner has submitted that the petitioner is innocent and has not committed any offence. In fact, the petitioners happens to be the close relatives and nothing incriminating has been recovered from the possession of the petitioners rather the alleged bags of wheat have been recovered



near Railway Electric Pole Nos. 72/38, 72/40 and also from a vacant quarter and these petitioners have no concern with the alleged recovery. As a matter of fact, prior to this case, mother of petitioner Nos. 1 and 2 had filed a complaint case No. 103 of 2009 against one Ambika Prasad Mandal, who is said to be an Inspector, R.P.F. and others and on that score only these petitioners have been made accused in this case. Hence, the petitioners deserve the privilege of anticipatory bail.

Considering the facts and circumstances of the case, let the petitioner, above named, in the event of their arrest or surrender before the Court below within six weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Railway, Khagaria, in connection with Naugachhiya R.P.F. Police Station Case No. 08 of 2017, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Arvind Srivastava, J)

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