

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47256 of 2017

Arising Out of PS.Case No. -2 Year- 2017 Thana -NAUGACHHIYA RPF POST District- KHAGARIA
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Dayanand Mandal @ Daya Mandal, Son of Bhola Mandal, Resident of
Village- Khariya Mandal Tola, P.S.- Kursela, District- Katihar.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Binod Kumar, Advocate

For the Opposite Party: Mr. Jitendra Kr. Singh, APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 18-10-2017 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is in custody since 09.08.2017 in connection with R.P.F. Naugachhiya Rail P.S. Case No. 2A of 2017 for the offences alleged under Sections 3 of the Railway Property (Unlawful Possession) Act, 1966.

3. It is submitted that the petitioner has been falsely implicated and in any event, the offence under the provisions of Railway Property (Unlawful Possession) Act, 1966 is a bailable offence in view of the decision of this Court in *Mithilesh Kumar @ Vishwakarma & Ors. Vs. The State reported in 2004(1) PLJR 668*.

4. Be that as it may, having regard to the entirety of the facts and circumstances of the case, let the petitioner above named be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Railway, Khagaria in connection with R.P.F. Naugachhiya Rail P.S. Case No. 2A of 2017, on the following conditions:-

(i) That one of the bailors shall be a close relative of the petitioner.



(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(iv) The petitioner shall cooperate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Vikash Jain, J)

B.T/Chandran

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