

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19858 of 2017

Arising Out of PS.Case No. -35 Year- 2016 Thana -MOTIHARI RAIL P.S. District-
WESTCHAMPARAN(BETTIAH)

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Prabhu Nath Son of Late Dalsingar, Resident of Village- Pachwar, P.O.
Chandrawar, Police Station- Rasera, District- Balia (Uttar Pradesh).

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Brij Kishor Mishra

For the Opposite Party/s : Mr. Sri Umeshnand Pandit

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR
UPADHYAY
ORAL ORDER

3 31-05-2017 Heard learned counsel for the petitioner and the State.

The petitioner is apprehending his arrest in Motihari
G.R.P. P.S. Case No. 35 of 2016 registered under sections 467,
468, 471, 419, 420 and 120(B) of the Indian Penal Code.

The allegation against the petitioner is that he being
the Goods Superintendent (Mal Babu) delivered the Gitti (Stone
chips) to Sudhir Kumar Pandey being authorized agent of Krishna
Concrete Enterprises.

In this case, case diary was called for vide order
dated 28.4.2017. It appears that stone chips were delivered on
production of railway receipt bearing no. 212002412 on
production of authority slip with I.D. proof. The petitioner has



mentioned about responsibility of the Goods Superintendent and the obligation of the railway in the event of surrender of railway receipt.

Paragraphs 7 and 8 are being referred for ready reference:-

“Surrender of railway receipt:- The railway administration shall deliver the consignment under a railway receipt on the surrender of such railway receipt.

Provided that in case the railway receipt is not forthcoming the consignment may be delivered to the person, entitled in the opinion of the railway administration to receive the goods in such manner.”

Liability of railway administration for wrong delivery:- Where a railway administration delivers the consignment to the person who produces the railway receipt, it shall not be responsible for any wrong delivery on the ground that such person is not entitled thereto or that the endorsement on the railway receipt is forged or otherwise defective.”

In view of Sections 76 and 80 of Railway Act, 1989 and the fact that the petitioner has no criminal antecedent as stated in



para 3 of the bail application, let the petitioner, named above, be released on bail, in the event of arrest or surrender before the learned court below within a period of four weeks from today on furnishing bail bond of Rs. 10, 000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Bettiah, West Champaran, in connection with Motihari G.R.P. P.S. Case No. 35 of 2016, subject to the condition as laid down under section 438(2) of the Cr.P.C.

(Anil Kumar Upadhyay, J)

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