

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 26250 of 2017

Arising Out of PS.Case No. -3 Year- 2017 Thana -PATNA JN RPF/POST District- PATNA

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Sunil Kumar Son of Sri Ram Janam Singh, Resident of Village- Naghwan, Police
Station- Kurtha, District- Arwal.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manish Kumar No. 2, Advocate
For the State : Mr. Pradeep Narain Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 01-07-2017

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in R.P.F. (Patna)
P.S. Case No. 03 of 2017 instituted under Sections 160B of the
Railway Act, 1989.

3. The allegation against the petitioner is that he being
the driver of a truck of the Patna Municipal Corporation dashed in the
railway crossing gate while the gate was in the process of opening.

4. Learned counsel for the petitioner submitted that even
it is accepted that the truck driven by the petitioner did dash in the



gate, it is apparent that the same cannot be deliberate and only due to inadvertence or some reason beyond the control of the petitioner, the vehicle may have suddenly gained speed and before the gate could be fully opened, the truck dashed the gate.

5. Learned A.P.P submitted that the truck driven by the petitioner hit the gate of the railway crossing.

6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Railway, Patna in R.P.F. (Patna) P.S. Case No. 03 of 2017, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

(Ahsanuddin Amanullah, J.)

P. Kumar

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