

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41826 of 2017

Arising Out of PS.Case No. -2 Year- 2017 Thana -MOKAMA RPF/POST District- PATNA

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Santosh Kumar

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Akhauri Kamal Kishore Sahay

For the Opposite Party/s : Mr. Sri Sanjay Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 11-09-2017

Heard learned counsel for the petitioner and the State.

The petitioner apprehends arrest in RPF Post, Mokamah
P.S. Case No. 02 of 2017 instituted for the offence under Section-3 of
RP (UP) Act.

It has been submitted that name of the petitioner has
transpired on the basis of confessional statement of co-accused, Sanjay
Kumar. The recovery of the alleged wire is said to have taken place
from railway pit. In paragraph-3 of the petition, it has been mentioned
that the petitioner has no criminal antecedent.

In such circumstances, prayer for anticipatory bail is
allowed and it is ordered that the petitioner named above in the event of
his arrest or surrender in the court below within six weeks from the date
of receipt/production of copy of this order, shall be released on bail on
furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of
the like amount each in connection with RPF Post, Mokamah P.S. Case
No. 02 of 2017 to the satisfaction of learned Railway Judicial



Magistrate, Patna subject to condition as laid down u/S 438(2) of the Cr.P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason, will automatically cancel bail bond of the petitioner and (3) if petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Sanjay Priya, J)

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