

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40985 of 2018

Arising Out of PS.Case No. -3 Year- 2018 Thana -MOTIHARI RPF/POST District-
WESTCHAMPARAN(BETTIAH)

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1. Rambalak Prasad S/o Deo Narayan Prasad @ Deo Narayan @ Deo Narayan Bhagat, R/o Vill.- Bahubara, Ward No. 11, P.S.- Madhuban, District- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Advocate.

For the Opposite Party/s : Mr. Sri Indra Kumar Singh, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 13-07-2018 Heard learned counsel for the petitioner and
learned APP for the State.

The petitioner seeks bail in connection with Rail
(Motihari) P.S. Case No. 03/2018 for offences punishable under
Section 3 R.P. (U.P.)Act.

The prosecution case, as lodged by the railway
police personnel, is that during the patrolling duty they saw 5
persons coming with plastic bags. When they saw the police, they
started fleeing away, on which two were apprehended who named
three other accused and on their confession, they stated that they
have stolen fish-plates, clips and other items from the railway line
and sell it to the Kabari shop of the petitioner. A raid was



conducted in the shop of the petitioner and railway items, like fish-plates and clips were recovered, which the petitioner has stated that he did not know that those were stolen items.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history and has been falsely implicated in the case only on the basis of confessional statement of the apprehended co-accused. He further submits that the petitioner is languishing in judicial custody since 26.03.2018 and that charge sheet has already been submitted.

However, learned APP for the State opposes the prayer for bail.

Considering the period of custody and that the petitioner does not bear any criminal antecedent, let petitioner, above named, be enlarged on bail 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, Railway, Bettiah, West Champaran in connection with Rail (Motihari) P.S. Case No. 03/2018, subject to the conditions that:

- (1) The petitioner will cooperate in the investigation and will appear before the Police/Court as and when required and



failure to appear will entail cancellation of his bail bonds.

- (2) It is also made clear that if, in future, petitioner indulges in an offence of similar nature, the prosecution will be at liberty to move the learned Court below for cancellation of his bail bonds.

(Nilu Agrawal, J.)

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