

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8641 of 2018

Arising Out of PS.Case No. -872 Year- 2014 Thana -WEST CHAMPARAN COMPLAINT District-
WESTCHAMPARAN(BETTIAH)

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1. Anjani Kumar Son of Sri Jawahar Prasad Resident of Village-
Ramnagar, P.S. Bakhtiyarpur, Distt Patna, Presently Posted at S.T.F.
(S.O.G. 2), Muzaffarpur.

2. Brajbhushan Prasad Son of Sri Ramnath Prasad Resident of Vill- Badaki
Nainijor, P.S. Nainijor, District Buxar, Presently Posted as J.C./683, S.T.F.
Muzaffarpur.

3. Umesh Dubey Son of Sri Kashinath Dubey Resident of Vill-
Gobardhanpur, P.S. Akaurigola, Distt. Rohtas, Presently posted as
D.J.C./10, S.T.F. Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar.

2. Gopal Prasad Son of late Pannalal Prasad Resident of Vill- Raxaul, Naga
Road, Ward No. 22, P.S. Raxaul, Distt. East Champaran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Choudhary
Mr. Anil Kumar Tiwary

For the Opposite Party/s : Mr. Madan Kumar
Mr. Rajesh Ranjan

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

2 21-02-2018 Heard both sides.

The petitioners apprehend their arrest in Complaint
Case No.872-C of 2014 registered under Sections 147, 149 and
379 of the Indian Penal Code.

The learned counsel for the petitioners submits that
prior to institution of this complaint case, Rail Narkatiaganj P.S.
Case No.27 of 2014 was registered under Section 414/34 of the
I.P.C. against Ram Babu Prasad and others. They were



apprehended by carrying silver without any paper. The investigation officer submitted chargesheet in Rail Narkatiaganj P.S. Case No.27 of 2014 finding the case true. Thereafter, the complainant filed complaint petition alleging that his employees were carrying 41 Kgs. of silver but the petitioners and one Akhilesh Prasad who were members of the raiding party show the recovery of only 13 Kgs. of silver from the possession of their employees and they misappropriated 28 Kgs. of silver. It is submitted that there is nothing on record to show that 41 Kgs. silver was recovered. Similarly situated co-accused Akhilesh Prasad has already been enlarged on anticipatory bail vide order passed in Cr. Misc. No.34761 of 2017.

On the other hand, learned counsel for the complainant submits that S.P., Rail, Muzaffarpur inquired into the matter on the allegation petition made by the complainant. The Dy. S.P. was entrusted with the inquiry and the inquiry report dated 25.11.2014 shows that the petitioners after apprehending the employees of the complainant took him outside the railway premises and thereafter recovery was shown in which the recovered article was found to be 13 Kgs.

From perusal of the report itself, it appears that no specific finding was given that the petitioners recovered 41.45 Kg.



silver from the employees of the complainant.

Considering the facts aforesaid, the petitioners, above named, in the event of their arrest or surrender before the learned court below within a period of four weeks from the date of receipt/production of a copy of this order are directed to be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Railway, Bettiah, West Champaran in connection with Complaint Case No.872-C of 2014(Trial No.829 of 2017), subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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