

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.40487 of 2018

Arising Out of PS.Case No. -5 Year- 2018 Thana -GOVERNMENT OFFICIAL COMP. District-
KATIHAR

- =====
1. Md. Jahir,
 2. Saidul @ Md. Saidul, Both sons of Late Ismail and residents of Village-
Bholagach, P.S.- Pothia, District- Kishanganj.
 3. Majibul @ Md. Majibul, Son of Samsul Haque, Resident of Village-
Milki Basti, P.S.- Pothia, District- Kishanganj.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Upendra Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 12-07-2018 Heard learned counsel for the petitioners and learned
A.P.P.

The petitioners seek anticipatory bail in connection
with C-II Case No. 05 of 2018 P.S. RDF/POST/ RANGAPANI,
registered for offences punishable under Sections 3 (A) of Rail
Property (Unlawful Possession) Act.

Allegation against the petitioners as per F.I.R. is of
theft of electric wire of Railway.

Submission of the learned counsel for the petitioners is
that petitioners are not named in the F.I.R. and they have been
falsely implicated in this case only on the basis of confessional
statement of co-accused, Jiten Harizan. It is further submitted that
there is absolutely nothing has been recovered from the conscious



possession of the petitioners and they have clean antecedents. It is submitted that petitioner No.1, Mukhiya of the village.

Learned A.P.P. opposes the prayer for bail.

Having heard both sides and in view of the facts and circumstances, as discussed above, let the petitioners, above named, in the event of their arrest or surrender before the Court below within a period of six weeks from the date of the order, be released on anticipatory bail on furnishing bail bonds of Rs. 25,000/- (Twenty five thousand) with two sureties of the like amount each in connection with Case No. C-II 05 of 2018 to the satisfaction of learned Additional Chief Judicial Magistrate, Railway, Katihar, subject to the conditions laid down under Section 438 (2) Cr.P.C. with other that bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned and petitioners shall cooperate in the investigation and shall be present before police as and when required, otherwise prosecution is at liberty to move for cancellation of their bail bonds.

(Vinod Kumar Sinha, J)

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