

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55859 of 2018

Arising Out of PS.Case No. -109 Year- 2018 Thana -RAJENDRA NAGAR (T) RPF/POST District-
PATNA

- =====
1. Shyam Kumar, Son of Om Prakash, Resident of Village- Sohsarai, P.S. Sohsarai, District- Nalanda. Proprietor of Shyam Tour and Travel, City Centre, Near Patna Junction, P.S. Kotwali, District- Patna.
 2. Lalan Kumar @ Lallu.
 3. Vijay @ Vijay Kumar,
Both sons of Late Shobhakant Kunwar, resident of Village Nayagaon, P.S. Parbatta, District- Khagaria, at present staff of Samrat Tour and Travel, Near Patna Junction, P.S. Kotwali, District- Patna.

.... Petitioners

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Bhim Kumar Yadav, Advocate.

For the Opposite Party : APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 06-10-2018 Heard learned counsel for the petitioners and learned
APP for the State.

2. It is stated that the petitioner no. 2, namely, Lalan Kumar @ Lallu has already been arrested and as such the prayer of grant of anticipatory bail in respect of petitioner no. 2 has become infructuous.

3. As prayed, the application of petitioner no. 2 is permitted to be withdrawn and dismissed as such.

4. The petitioners (except petitioner no. 2) apprehend



their arrest for the offences alleged under Section 143 Railway Act registered in connection with R.P.F. (Post Rajendra Nagar) P.S. Case No. 109 of 2018.

5. It is submitted that the petitioner nos. 1 and 3 have been falsely implicated merely on the confessional statement of co-accused Avinash Kumar who has arrested in connection with illegal business of Railway ticketing from his residence from where several articles were recovered. The petitioners claim clean antecedents.

6. Be that as it may, having regard to the entirety of the facts and circumstances of the case, in the event of the petitioner nos. 1 and 3's arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioner nos. 1 and 3 be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Railway, Patna in connection with R.P.F. (Post Rejendra Nagar) P.S. Case No. 109 of 2018, subject to the conditions as laid down under Section 438 (2) Cr.P.C., and also subject to the following further conditions:

(i) That one of the bailors shall be a close relative of the petitioners.



(ii) That the petitioners shall not indulge in any similar offence till conclusion of the trial.

(iii) The petitioners shall cooperate with the investigation, if not already concluded, and make themselves available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(iv) The petitioners shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, their bail bonds shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

Md. Ibrarul/-

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