

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19558 of 2018

Arising Out of PS.Case No. -1 Year- 2018 Thana -NAUGACHHIYA RPF POST District-
KHAGARIA

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Tayab Ali, Son of Azad Ali @ Mainul Ali, Resident of Village- Hajipur,
Police Station- Sahayak, P.S.- Katihar, District- Katihar.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Viveka Nandsingh, Advocate

For the Opposite Party/s : Mr. Ram Sevak Choudhary

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 21-05-2018 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is an accused in a case registered for
offence under Section 3 of the Railway Property (Unlawful
Possession) Act.

Learned counsel for the petitioner submits that
recovery of the four iron railway plates is not from conscious
possession of the petitioner. The petitioner, having no criminal
antecedent, has been implicated in this case on the basis of
suspicion and he is in custody since 9.2.2018. The counsel for the
petitioner has also submitted that the seizure is not in accordance
with law.

Considering the aforesaid submissions, prayer for



bail of the petitioner is allowed. Let the petitioner, mentioned above, be released on bail on furnishing bail bond of Rs.10,000/- with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate, Railway, Khagaria in Naugachhiya P.S. Case No.1 of 2018 on the following conditions :

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One of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner and

The petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled.

(Madhuresh Prasad, J)

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