IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33395 of 2018

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

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Ravindra Kumar, S/o Jagdish Prasad, R/o Vill./Mohalla- Akwalganj, P.S.- Rahui, District- Nalanda.

.... Petitioner/s

Versus

1. The Union of India through Commandant, Railway Protection Force, Samastipur, Bihar.
2. The State of Bihar.

.... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Rajendra Prasad, Sr. Advocate.
For the Railways : Mr. Amaresh Kumar Sinha, Advocate.
For the State : Mr. Nawal Kishore Prasad, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 18-06-2018 Heard learned counsel for the petitioner, learned counsel for the Railway Protection Force, Saharsa and the State.

The petitioner apprehends his arrest in **R.P.F. Post Saharsa Case No. 1 of 2018** instituted for the offence under Section 3 R.P. (U.P.) Act, 1966.

Learned counsel for the petitioner has submitted that there is no allegation of any overt act against this petitioner. The petitioner is merely clerk in the office. The duty of the petitioner was only paper work.

In the written report it is alleged that informant got information that a Tank Lorry loaded with illegal oil is going from Barauni to Saharsa in connivance with the Railway Staff, the

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informant entered into R.C.D. Gate and saw that on direction of lal Babu Sah, the driver of tank lorry was about to unload the tank lorry without measuring the depth of oil in tank lorry. The driver of the aforesaid tank lorry was apprehended who disclosed his name as Chhotelal Choudhary. It was detected that with the help of staff, 4673.04 litres oil was taken out.

From the written report itself it appears that driver of the tank lorry was apprehended but he did not level any allegation of overt act against this petitioner.

Considering the facts and circumstances of the case, prayer for anticipatory bail of the petitioner is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today, in connection with **R.P.F. Post Saharsa Case No. 1 of 2018**, he shall be released on anticipatory 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, Rail, Khagaria**, subject to the conditions as laid down under Section 438 (2) Cr. P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and his absence on two

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consecutive dates without proper and reasonable reason will be liable to cancel his bail bond and (3) if petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Sanjay Priya, J)

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