

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32902 of 2019

Arising Out of PS. Case No.-5 Year-2017 Thana- MOKAMA RPF/POST District- Patna

1. AMIT RAI @ MITHILESH RAI @ MITHELESH KUMAR Son of Late Lango Rai @ Maheshar Rai @ Maheshwar Roy Resident of Chakiya Naya Tola,
2. Chotu Rai @ Chotu Kumar Son of Ram Sevak Rai Resident of Chakiya Bind Toli,
Both are P.S.- Chakiya, Distt.- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Anuj Kumar, Advocate
For the Opposite Party/s	:	Mr.Anand Kishore Choudhary

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

5 06-08-2019 Heard learned counsel for the petitioners and learned
APP for State.

The petitioners in this case are seeking anticipatory bail in connection with R.P.F. Post Mokama P.S. Case No. 05 of 2017 registered for the offences punishable under Section 3 RP (UP) Act, 1966 Amended Act 2012.

Learned counsel for the petitioners submits that as per the prosecution version when the informant got some information that there is some criminal intervention in Train No. 18182 DN after crossing the Rajendra Nagar Bridge station he along with other force proceeded for verification of the information, reached the place of occurrence and conducted



search. He found 10 plastic bags of Shikhar Gutkha with railway Marka in the bush weighing each bag about 25 Kg. No miscreants were found near the place of seizure. The case was registered against unknown persons but later on Police submitted a requisition for arrest of the petitioner and the same was allowed on 25.01.2018.

Learned counsel submits that the name of the petitioners have transpired in the confessional statement of co-accused Balmiki Mahto who was arrested in connection with RPF Post Mokama Case No. 06 of 2017. It is the submission that the said Balmiki Mahto had disclosed the name of the petitioners as his associates but had not disclosed involvement of the petitioners in the present occurrence. It is further submitted that there is no recovery from the person or possession of the petitioners and there is no identification. It is further submitted that subsequently the petitioners have been involved in some other cases. It is further submitted that Balmiki Mahto had named one Aman Kumar @ Aman Rai also in RPF Post Mokama Case No. 05 of 2017. The said Aman Kumar has been granted privilege of anticipatory bail by a learned co-ordinate Bench of this Court in Criminal Miscellaneous No. 57399 of 2018.



Learned APP for the State has opposed the prayer for anticipatory bail of the petitioners.

Considering the facts and circumstances of the case wherein save and except that in a confessional statement of the co-accused name of the petitioners have transpired and that there is no other independent material as also that one of the co-accused has been granted privilege of anticipatory bail in another case, let the petitioners above named in the event of their arrest or surrender within a period of four weeks from today, be enlarged on bail on furnishing of bail bonds of Rs. 15,000/- (fifteen thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M., Railway, Patna in connection with R.P.F. Post Mokama P.S. Case No. 05 of 2017, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police



officer;

(iii) a condition that the person shall not leave India
without the previous permission of the Court.

(Rajeev Ranjan Prasad, J)

avin/-

U		T	
---	--	---	--

