

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24953 of 2019**

Arising Out of PS. Case No.-4 Year-2017 Thana- MOKAMA RPF/POST District- Patna

1. Amit Rai @ Mithilesh Rai @ Mithilesh Kumar Son of Late Lango Rai @ Maheshar Rai @ Maheshwar Roy Resident of Village - Chakiya Naya Tola, P.S.- Chakiya, Distt.- Begusarai.
2. Chotu Rai @ Chotu Kumar Son of Ram Sevak Rai Resident of Village - Chakiya Bind Toli, P.S.- Chakiya, Distt.- Begusarai

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners :Mr.Anuj Kumar, Advocate

For the Opposite Party :Mr.Anand Kishore Choudhary, Addl Public Prosecutor

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

4 11-09-2019 Heard learned counsel for the petitioners, the State and perused the case diary.

Petitioners apprehend arrest in a case registered for the offence punishable under Section 3 RP (UP) Act 307/506 and other allied sections of the Penal Code.

Police, acting on a tip off, recovered four plastic bags containing biddi kept concealed near a rail track, said to be a part of the consignment being transported by some train. In course of investigation in RPF Post Mokama Case No. 06 of 2017, police arrested one Balmiki Rai who made confessional statement also to the effect that the petitioners of the instant



case, i.e., RPF Post Mokama Case No. 04 of 2017, were his friends.

Learned counsel for the petitioners submits that the said co-accused, who is petitioners' co-villager, has only disclosed that the petitioners were his friends and has not stated that they were also indulged with him in the alleged theft of railway property. He further submits that neither any incriminating evidence has come against the petitioners nor there is any recovery from their possession regarding the theft. It is also the case of the petitioners that on the confessional statement of said co-accused Balmiki Rai, petitioners had been made accused in two cases of similar nature, namely, RPF Post Mokama Police Station Case No. 06/2017 & RPF Post Mokama Police Station Case No. 05/2017, in which they have already been allowed privilege of anticipatory bail by two different benches of this Court vide orders dated 26.7.2019 and 6.8.2019, passed in Cr.Mis.No. 32048/2019 & Cr.Mis.No. 32902/2019 respectively.

Learned counsel for the State submits that the petitioners seem to be active in crimes of similar nature.

In view of the facts and circumstances of the case as well as in view of aforesaid orders, let the petitioners, above



named, in the event of their arrest/surrender before the Court below within a period of six weeks from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of Addl Chief Judicial Magistrate, Railway, Patna in RPF Post Mokama Case No. 04 of 2017, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure as well as condition that the petitioners shall fully co-operate with the investigation and trial of the case, failing which the Court below shall be at liberty to cancel the bail bond of the petitioners.

(Prabhat Kumar Singh, J)

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