

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57205 of 2019

Arising Out of PS. Case No.-460 Year-2018 Thana- NAUGACHHIYA RPF POST District-
Khagaria

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KARE YADAV S/o Vijay Yadav R/o village- Kheria Yadav Tola, P.S.-
Kursela, District- Katihar

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur, Advocate
Mr. Bimal Kumar, Advocate
For the Opposite Party/s : Mr. R.B. Roy 'Raman'

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 04-12-2019 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application for regular bail arises out of **R.P.F. Post Naugachhiya P.S. Case No. 460 of 2018**, disclosing the offence under Sections 160(A), 153, 145, 146 and 147 of Railway Act.

The informant is a Gateman posted at Kursela Railway Station. It is alleged that the railway crossing was closed, for movement of a train when the petitioner came in a Scorpio vehicle and was attempted to lift the upper portion of the gate for passing the Scorpio vehicle, forcibly. There were three persons in the Scorpio vehicle, who are said to have



attempted to damage the gate and abused the Gateman and threatened him.

Learned counsel appearing on behalf of the petitioner has submitted that no offence under Section 153 of the Railways Act, 1989, can be said to be made out on the basis of what has been alleged in the First Information Report, which too, is punishable for a maximum period of five years. The petitioner is in custody since 19.07.2019.

Learned Additional Public Prosecutor appearing on behalf of the State has pointed out to the statement made in paragraph-3 of the application, to the effect, that since the petitioner has criminal antecedent, he should not be allowed privilege of bail.

Be that as it may, considering the nature of accusation made in the First Information Report and the period for which the petitioner has remained in custody, a case for grant of regular bail is made out. This application is, accordingly, allowed. Let the petitioner, above-named, be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand), with two sureties of the like amount each to the satisfaction of **learned Additional Chief Judicial Magistrate (Railway), Khagaria**, in connection with **R.P.F. Post Naugachhiya P.S. Case No. 460**



of 2018, subject to the condition that the petitioner shall present himself before the Police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the court on two consecutive occasions, his bail Bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

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