

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70279 of 2019

Arising Out of PS. Case No.-282 Year-2019 Thana- SASARAM RPF/POST District- Gaya

RAKESH KUMAR Son of Om Prakash Gupta Resident of Village - 26
Sasaram Chawartakiya, P.S.- Town, P.S.- Sasaram, Distt.- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vinod Kumar

For the Opposite Party/s : Mr.Satyavrat Verma

**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA**

ORAL ORDER

5 03-07-2020 Heard learned counsel appearing for the petitioner,

Sri Satyavrat Verma learned Additional Public Prosecutor for

the State as well as Sri Kumar Priya Ranjan, appearing for

railway through video conferencing.

Petitioner apprehend his arrest in connection with

G.O. Case No.1919/2019 arising out of R.P.F. Case no.282/2019

registered for the offences punishable under Section 143 of the

Railway Act.

Allegedly, petitioner happens to be valid license

holder for selling railway tickets but, according to prosecution

case when the shop of the petitioner was raided, his brother was

caught from the aforesaid shop and some tickets, which were

illegally purchased and other articles, were recovered from the

shop of the petitioner and, accordingly, prosecution report was



submitted against the petitioner and others for the offence punishable under Section 143 of the Railway Act.

Admittedly, the maximum punishment for the offence under Section 143 of the Railway Act is up to three years. It has not been defined in Railway Act as to whether the offence punishable under Section 143 of the Railway Act is bailable or non-bailable. According to second schedule of Code of Criminal Procedure, the offences, which are punishable up to three years, are bailable in nature. Therefore, in the aforesaid circumstance in my view, Section 143 of Railway Act is bailable in nature.

Therefore, in the aforesaid circumstance, this anticipatory bail is not maintainable and accordingly, this anticipatory bail stands dismissed being not maintainable.

(Hemant Kumar Srivastava, J)

Prakash Narayan /-

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