

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17942 of 2021

Arising Out of PS. Case No.-5 Year-2020 Thana- DEHRI ON SONE RPF/POST District-
Gaya

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Md. Akhtar Sah @ Akhtar Sah @ Sonu S/O Md. Idnsh R/O Village-Amirtha,
P.S-Kudra, District-Kaimur At Bhabhua.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Vinod Kumar,Advocate

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary,APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 27-09-2021 Heard learned counsel for the petitioner and Mr.

Sanjay Kumar Tiwary, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Gaya R.P.F. (D.O.S.) P.S. Case No. 05 of 2020 registered for the offences punishable under Section 3 Railway Property (Unlawful Possession) Act. He is in custody since 18.10.2020. The petitioner has otherwise no criminal antecedent.

Learned counsel for the petitioner submits that the FIR was lodged on the basis of the information given by a Technician in Railway Department, Gaya that 24 batteries of the Railway Department worth Rs. 37,000/- were stolen by unknown persons.

Learned counsel for the petitioner submits that the



petitioner is innocent and has falsely been implicated in the present case. It is submitted that nothing has been recovered from the conscious possession of the petitioner. The petitioner is in custody since 18.10.2020 having no criminal antecedent.

Learned APP for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein it is the submission of learned counsel for the petitioner that it is a case of false implication and the recovery of the batteries are not from the conscious possession of the petitioner which would be evident from the seizure list showing the recovery from a bush but has been wrongly attributed to the possession of the petitioner, the petitioner has remained in custody for almost one year and the investigation against him is complete, he has otherwise no criminal antecedent, this Court directs release of the petitioner above named on bail on furnishing of bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned Judicial Railway Magistrate, Gaya in connection with R.P.F. (D.O.S.) P.S. Case No. 05 of 2020, subject to the conditions as laid down under Section 437(3) Cr.P.C.



And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

