

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17940 of 2021

Arising Out of PS. Case No.-5 Year-2019 Thana- KHAGARIA RPF/POST District- Khagaria

1. Ranjeet Sharma S/O Shailendra Sharma R/O Bhartiya Nagar, Batraha Ward No.26, Police Station-Saharsa, District-Saharsa.
2. Bharat Sharma S/O Subodh Sharma R/O Bhartiya Nagar, Batraha Ward No.26, Police Station-Saharsa, District-Saharsa.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Satish Kumar Singh,Advocate
For the Opposite Party/s : Mr.Sanjay Kumar Tiwary,APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 27-09-2021 Learned counsel for the petitioners undertakes to remove all the defects pointed out by the Stamp Reporter within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioners and Mr. Sanjay Kumar Tiwary, learned APP for the State.

The petitioners in the present case are seeking regular bail in connection with RPF Post Saharsa Case No. 05 of 2019 registered for the offences punishable under Section 3 Railway Property (Unlawful Possession) Act 1962 (Amendment Act 2012). The petitioners are in custody since 22.09.2020.

Learned counsel for the petitioners submits that as per the prosecution story, on duty constable Tuntun Kumar and one lighting staff upon joint inspection found that 54 batteries are



missing thereafter the case was lodged.

Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in the present case on mere suspicion. It is submitted that petitioners are not named in the FIR. The petitioners are in custody since 22.09.2020.

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

Having regard to the facts and circumstances of the case, the place of recovery shown in the seizure list and the submission of learned counsel for the petitioner that the seizure has been shown one year after the alleged occurrence and it is not from conscious possession of the petitioner and further that the petitioner has already remained in jail in connection with this case since 22.09.2020, investigation against him is complete and in the two cases stated in paragraph '3' against the petitioner no. 1 and one case against petitioner no. 2 they are on bail, this Court directs release of the petitioners above named on bail on furnishing of bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate (Rail) Khagaria in connection with RPF Post Saharsa Case No. 05 of 2019,



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 petitioners and in case at any
stage it is found that the petitioners have concealed their
criminal antecedent, the court below shall take step for
cancellation of bail bond of the petitioners. 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'.

