

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.23654 of 2021**

Arising Out of PS. Case No.-1 Year-2020 Thana- RAXAUL RAIL P.S. District- West
Champaran

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1. SUKHAL SAH Son of Sri Ramshabad Sah Resident of Village - Tumariya Tola, Ward no.03, Nepali Station, P.S.- Haraiya, Distt.- East Champaran.
 2. Jagmagwa Son of Late Aklak Mian Resident of Village - Tumariya Tola, Ward no.03, Nepali Station, P.S.- Haraiya, Distt.- East Champaran.
- Petitioners

Versus

1. The State of Bihar
 2. Post Commander, Railway Protection Force, East Central Railway, Raxaul Junction, East Champaran. Bihar
- Opposite Party

Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma, Advocate
For the Opposite Party/s : Mr.Md. Fahimuddin, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 02-09-2021 Learned counsel for the petitioners undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioners and Md. Fahimuddin, learned A.P.P. for the State.

Petitioners, in the present case, are seeking regular bail in connection with Raxaul (R.P.F.) Rail P. S. Case No. 01 of 2020 registered for the offences punishable under Section 3 of the Railway Property (Unlawful Possession) Act, 1966.

As per the prosecution story, while the informant was on patrolling duty during night, he along with members of

Railway Protection Force reached Eastern Yard, where four persons were seen in suspicious condition keeping something in the plastic sack, and on chase, one of them was caught while three of them succeeded to flee away. It is alleged that the apprehended person disclosed the name of the petitioners. On search, 40 pendal clips of rail were recovered from possession of the apprehended person.

Learned counsel for the petitioners submits that petitioners have been falsely implicated in this case, nothing incriminating has been recovered from their possession and petitioners are in custody since 19.06.2020. Learned counsel submits that there is only one criminal antecedent against petitioner no. 2 in which he is on bail.

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

Considering the facts and circumstances of the case wherein the name of the petitioners has transpired in the statement of the apprehended accused but it is the specific submission of the petitioners that no recovery has been made from their possession, as also that the petitioners have remained in custody in connection with this case for over one year two months, investigation against them is complete, and in one

criminal antecedent against petitioner no.2 he is said to be on bail, this Court directs release of the petitioners above named on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Railway, Bettiah, West Champaran, in connection with Raxaul (RPF) Rail P.S. Case No. 01 of 2020, subject to the condition 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.

(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'.