

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27786 of 2021

Arising Out of PS. Case No.-1 Year-2021 Thana- NAVINAGARA RPF/POST District- Gaya

Arjun Chaudhary S/O Late Monarik Chaudhary Resident Of Village -
Singuriya, P.S. - Barun, District - Aurangabad.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Mr.Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 25-10-2021 Learned counsel for the petitioner 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 petitioner and Mr.
Ashok Kumar Singh, learned APP for the State.

The petitioner in the present case is seeking regular
bail in connection with Gaya R.P.F. Navinagar P.S. Case No. 01
of 2021 registered for the offences punishable under Section 3
of Railway Property (Unlawful Possession) Act, 1966. The
petitioner is in custody since 04.01.2021. He has no criminal
antecedent.

As per the prosecution story, the S.I of Police R.P.F.
Navinagar received information about coal theft. After getting
this information, he along with other police personnel reached
the alleged place of occurrence and on seeing the police party



accused persons who were carrying sacs tried to flee away but two accused persons including this petitioner were apprehended and total 210 kg coal from the sacs were seized.

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 03.01.2021 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, in the nature of the allegation wherein it is alleged that the stolen coal were seized from the roadside when those were thrown by the accused persons, this petitioner is said to be one of them, he has remained in custody since 03.01.2021, investigation against him is complete but the trial is not likely to take place in near future, the petitioner has otherwise no criminal antecedent, thus, this Court directs release of the petitioner above named on bail on furnishing of bail bond 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.



(Navinagar) P.S. Case No. 01 of 2021, 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'.

