

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31398 of 2020

Arising Out of PS. Case No.-1 Year-2020 Thana- DANAPUR RPF POST District- Bhojpur

1. JAY PRAKASH YADAV, Son of Vinda Yadav @ Vinda Singh Ray,
2. Vijay Yadav, Son of Late Lallan Yadav,
Both Residents of Village- Dilawarpur, P.S.- Bihta, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prabhat Kumar Singh
For the Opposite Party/s : Mr.Dilip Kumar No.1

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 27-01-2021 Heard learned counsel for the petitioners and learned
APP for the State.

Since the physical court proceeding is non-functional,
due to present pandemic, COVID-19, the matter is listed with
defects.

Learned counsel for the petitioners undertakes to
remove the defects as pointed out by the office within three
weeks of normal functioning of the court, failing which the
office is directed to place the matter before the Bench.

The petitioners are apprehending their arrest in a case
registered for the offence punishable under Sections 3RP(UP)
Act.

Prosecution case in brief is that the informant O/C



R.P.F., Danapur an written application alleging therein that on 21.01.2020 Station Master of Bihta Railway Station given message that loaded B.T.P.M. rake with oil can which is sent to Depo of Hindustan Petroleum and where some persons are going with gallon and two persons are taking oil from rack and others persons are standing there, thereafter, informant and his friend chased them and two persons are apprehended on the spot and recovered two gallon with 15-15 liters diesel and two empty gallon and they accepted that they theft diesel since six months and disclosed that accused persons purchased the theft diesel and thereafter the apprehended persons are taken to Bihita Railway Station and they are taken to Dilawarpur for search the petitioners and the same not present in house and 20 liters diesel and one empty gallon and also 20 liters diesel was recovered from the house of Vijay Yadav (petitioner no. 2) and seizure list was prepared.

Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. There is no recovery from the conscious possession of the petitioners. On the basis of confessional statement of apprehended co-accused, the petitioners have been made accused in this case. The petitioners have got no criminal



antecedent.

Learned APP for the State opposes the prayer for bail petition.

In the aforesaid facts and circumstances of the case, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of six weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bonds of Rs. 25,000/- (rupees twenty five thousand) each with two sureties of the like amount each to the satisfaction of the learned Railway Judicial Magistrate, Bhojpur at Ara in connection with Danapur R.P.F. Case No. 01 of 2020, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anjani Kumar Sharan, J)

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