

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8045 of 2021

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

1. VISHAL KUMAR Son of Jitendra Bind Resident of Mohalla - Beldari Tola, Ward No. 6, pahsi, Nai Godam, P.S.- Kotwali, Dist. Gaya.
2. SHANI KUMAR Son of Late Chhotan Bind Resident of Mohalla - Beldari Tola, Ward No. 6, pahsi, Nai Godam, P.S.- Kotwali, Dist. Gaya.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mahendra Prasad Bhartee

For the Opposite Party/s : Mr.A.G

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 17-04-2021 This matter is taken up for consideration through Video Conferencing under the orders of Hon'ble the Chief Justice.

Heard both parties.

The petitioners seek bail in RPF (Gaya) P.S. Case No. 05 of 2020, registered for the offence punishable under Section 3 of the RP (UP) Act.

On information that some miscreants committed theft of several quintals of coal loaded on goods train, raid was conducted and 300 KG of coal was recovered from the house of petitioner no. 2 and 250 KG of coal was recovered from the house of petitioner no. 1.

It is submitted on behalf of the petitioners that petitioners have been falsely been implicated in this case.



Mandatory provision of section 100 Cr.P.C has not been followed. Petitioners have got clean antecedent and petitioner no. 1 is in custody since 17.10.2020 and petitioner no. 2 is in custody since 19.10.2020.

Considering the clean antecedent of petitioners and period of custody, the petitioners above-named, are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Railway Magistrate, Gaya in connection with RPF (Gaya) P.S. Case No. 05 of 2020, subject to following conditions:-

(i) The petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, their bail bonds shall be liable to be cancelled by the court below.

(ii) If the petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(Prabhat Kumar Singh, J)

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