

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.10741 of 2021**

Arising Out of PS. Case No.-1188 Year-2019 Thana- CHAPRA RPF/POST District- Saran

RAJ KUMAR MEHRA, SON OF LATE JAGDISH RAM Resident of
Village- Semariya Jahaj Ghat, P.S. Rivilganj, District- Saran at Chapra
... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Dewendra Narayan Singh,Advocate
For the Opposite Party/s : Mr.Vinod Shankar Modi,APP

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

2 14-06-2021 Heard learned counsel for the petitioner and Mr. Vinod
Shankar Modi, learned APP for the State.

The petitioner in the present case is seeking regular bail
in connection with Chapra R.P.F. P.S. Case No. 1188 of 2019
registered for the offences punishable under Section 160(2) of the
Railways Act.

Learned counsel for the petitioner submits that as per
the prosecution story, the case was registered under Section 160(2)
of Railway Act against the petitioner who is the driver of the
vehicle at the time of accident and after depositing the amount of
damage his bail was granted with condition that he will produce
the said vehicle but he sold the said vehicle to a scrap vendor and
hence, his bail was cancelled.

Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the



present case. It is submitted that the petitioner is not the owner of the vehicle and hence he was not aware of selling of the vehicle to scrap vendor. The petitioner is in jail since 06.11.2020.

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 wherein it is submitted by learned counsel for the petitioner that the damage amount has already been deposited with the Railway, so far as the vehicle in question is concerned, the same has been sold to the scrap vendor by the owner of the vehicle and for that purpose the owner of the vehicle may only be held responsible, this Court having seen that the petitioner was earlier granted bail by learned court below but because he could not produce the vehicle in question as per the condition of bail, the bail was cancelled and he is in custody since 06.11.2020, this Court is inclined to grant regular bail to the petitioner.

Let the petitioner above named be released 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 Railway Judicial Magistrate, Sonpur, Saran at Chapra, in connection with Chapra R.P.F. P.S. Case No. 1188 of 2019, subject to the conditions as laid down under Section 437(3) Cr.P.C. as under:



(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which is suspected, and

(c) that such persons shall not directly or indirectly make and inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

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'.

