

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2465 of 2022

Arising Out of PS. Case No.-10 Year-2019 Thana- MUZAFFARPUR RPF/POST District-
Saran

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GULSHAN MALLIK Son of Late Mahendra Mallik @ Mahendra Mahto
Resident of Village - Purani Gudri, Bahalkhana Road, Ward no.39, P.S.-
Town, Dsitt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajeev Ranjan No.Ii

For the Opposite Party/s : Mr. Rajeev Nayan

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

4 29-11-2022 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with

Muzaffarpur R.P.F. Rail P.S. Case No. 10 of 2019, registered

for the offences punishable under Section 3 of R.P.U.P. Act.

As per allegation, on search conducted by R.P.F.

Officials, valuable clothes and others articles were recovered

from the accused-persons.

The learned counsel for the petitioner submits that

the petitioner is innocent and has falsely been implicated in

this case. He further submits that nothing has been

recovered from the conscious possession of the petitioner



and his name has been transpired from the confessional statement of the co-accused who has been arrested on the spot with alleged articles of theft. He also submits that similarly situated co-accused persons namely, Kunal Sah has already been enlarged on bail by a co-ordinate Bench of this Court vide order dated 04.02.2020 passed in Cr. Misc. No. 6146 of 2020.

The petitioner has been languishing in jail since 18.02.2021.

It is also stated in paragraph no. 2 of the petition that the petitioner has never moved before this Court for grant of anticipatory bail or regular bail.

It has further been stated in paragraph no. 3 that the petitioner has earlier been made accused in three other cases.

However, the learned APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, the petitioner, above-named, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /-



(Ten Thousand) with two sureties of the like amount each to the satisfaction of the Ld. R.J.M., Sonapur (Saran) in connection with Muzaffarpur R.P.F. Rail P.S. Case No. 10 of 2019 on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any 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.

(iv) In case, it is brought to the notice of the court below that the petitioner has criminal antecedent other than the disclosed one, the learned court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal



antecedent despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.

The application stands allowed accordingly.

The learned counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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