

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8612 of 2022

Arising Out of PS. Case No.-34 Year-2020 Thana- NARKATIYAGANJ RAIL P.S. District-
West Champaran

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Santosh Gupta @ Santosh Kumar Gupta, Son of Late Ambika Prasad,
Resident of Village - Narayanpur, Ward No.1, Ram Nagar, P.S.- Ram Nagar,
Distt.- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kr Singh No. 1, Advocate
For the State : Mr. Jharkhandi Upadhyay, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 20-12-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Let the defect (s), if any, as pointed out by the office,
be removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Narkatiyaganj Rail P.S. Case No. 34 of 2020
registered for the alleged offences under Sections 467, 468, 471,
420 and 34 of the Indian Penal Code.

As per prosecution case, petitioner issued forged
circular rail ticket to a group of passengers and they were caught
and fine and penalty was realized from such passengers.

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

For an occurrence which took place on 12.08.2018, 04.10.2018 and 05.10.2018, the F.I.R. was lodged on 07.10.2018. Learned counsel further submits that during investigation it has come on record that the petitioner has not handed over tickets to any of the passengers and the persons who handed over the tickets, took the name of this petitioner as the person from whom they procured the tickets. The petitioner earlier used to run an N.G.O. but he met with an major accident and he left the work of N.G.O. Learned counsel further submits that even from the facts of the F.I.R. it is clear that railway has realized the penalties and the fare of the tickets. So, no loss has been caused to them. Charge sheet has been submitted in this case and the petitioner is in custody since 23.10.2021. Similarly placed co-accused Sikandara Sahani has been granted bail by this Court vide order dated 26.07.2022 passed in Cr. Misc. No. 8167 of 2022. The petitioner has got clean antecedent.

Learned A.P.P. for the State opposes the prayer for bail of the petitioner submitting that witnesses examined during investigation have named the petitioner who provided the forged tickets. All the witnesses have supported the prosecution case that the petitioner provided the forged tickets to innocent passengers.

Having regard to the facts and circumstances and submission made on behalf of the parties and considering the

submission of charge sheet along with period of custody of the petitioner and his clean antecedent, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Railway Narkatiyaganj at Bettiah, West Champaran in connection with Narkatiyaganj Rail P.S. Case No. 34 of 2020, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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