

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13291 of 2022**

Arising Out of PS. Case No.-2 Year-2021 Thana- BANMANKHI RPF/POST District-
Khagaria

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NEERAJ DHANDHANIYA @ NEERAJ KUMAR DHANDHANIYA Son of
Late Bhawani Shankar Dhandhaniya Resident of Bangali Tola, Samastipur,
Ward No.- 25, P.S.- Town Samastipur, District - Samastipur.

... .. Petitioner/s

Versus

The Union of India through Department of Railway India

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Arun Kumar
For the Opposite Party/s	:	Mr.Additional Solicitor General
For the U.O.I.	:	Ms. Shail Kumari

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

7 29-08-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with
RPF/POST/BANKI P.S. Case No. 02 of 2021 registered for the
offence under Section 3 of RP(UP) Act.

The accused/petitioner is not named in the F.I.R. and
is in custody since 29.12.2021.

The allegation against the petitioner is to deal
unauthorizedly with railway properties and further to have
unlawful possession of the railway properties.



Learned Senior counsel appearing on behalf of the petitioner submitted that petitioner is not named in F.I.R., rather his name was surfaced on the basis of confessional statement of co-accused, namely, Shishupal Singh. It is further submitted that petitioner is dealing in business of scrap, having own go-down and on the basis of suspicion to deal in scrap, the petitioner have been falsely implicated. It is further submitted that no recovery of alleged railway property was made ever in furtherance of said confessional statement of co-accused from the possession of the petitioner. It is further submitted that the similarly situated co-accused person, namely, Ram Padarath Sharma, has already been granted bail by one of the learned co-ordinate Bench of this Court through Cr. Misc. no. 11979 of 2022 order dated 09.05.2022. While concluding the argument, it has been submitted that investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, Ld. A.S.G. and also Ld. standing counsel, Ms. Shail Kumari for Union of India, while opposing the prayer of bail, fairly conceded that there is no recovery of any railway property from the possession of the petitioner, as per seizure list.



Considering the facts and circumstances as mentioned above, as no railway property recovered/anything surfaced during the course of investigation, which may connect, *prima facie*, this petitioner with present allegation coupled with the fact that charge-sheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with RPF/POST/BANKI P.S. Case No. 02 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate (Railway), Khagaria/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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