

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21518 of 2022

Arising Out of PS. Case No.-5 Year-2021 Thana- BAKHTIYARPUR RPF/POST District-
Patna

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Mohit Kumar Son of Anil Thakur R/O Village- Musali Khushrupur, Chhoti
Devi Asthan, P.S.- Khushrupur, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Manish Kumar No2
For the Opposite Party/s : Mr.Rita Verma

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 20-07-2022 Let the defect(s), as pointed out by the office, be

removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with R.P.F.
Post Bakhtiyarpur P.S. Case No. 05/2021 registered for the
offences punishable under Section 3 of the R.P. (UP) Act and
Section 153 of the Railway Act.

As per prosecution case, there is alleged recovery of
one motorcycle in question from the possession of the petitioner,
which had been booked by the railway.

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



case. No any incriminating articles has been recovered from the conscious possession of the petitioner and the petitioner has no concern with the alleged recovered motorcycle and the petitioner being the local resident was returning home after morning walk. The said motorcycle was recovered from the road side. The petitioner is languishing in custody since 15.07.2021 and bears no criminal antecedent. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence. Co-accused, Rahul Kumar has been granted bail by the co-ordinate Bench of this Court vide Cr. Misc. No. 18768/2022.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, charge sheet has already been submitted in this case and there is no likelihood of tampering with the prosecution evidence and keeping in view clean antecedent of petitioner and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Railway Judicial Magistrate, Patna in



connection with R.P.F. Post Bakhtiyarpur P.S. Case No. 05/2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

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

(Alok Kumar Pandey, J)

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