

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23739 of 2022

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

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PANKAJ KUMAR DHANDHANIA Son of Late Bhawani Shankar
Dhandhania Resident of Mohalla - Bengali Tola Ward No.- 25 Samastipur,
P.S.- Samastipur Town, District - Samastipur

... .. Petitioner/s

Versus

1. The State of Bihar
2. THE UNION OF INDIA through Department of Railway India

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.A.K. Thakur

Mr.Nilesh Kumar

For the Opposite Party/s : Mr.Akshay Lal Pandit

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 17-11-2022 Heard the parties.

The petitioner apprehends his arrest in a case registered for the offence punishable under sections 3 of Railway Property (Unlawful Possession) Act.

Allegedly, the co-accused Rajeev Ranjan Jha along with his associates fraudulently stole the rail iron material.

It is submitted by learned counsel for the petitioner that petitioner is quite innocent and have committed no offence. He has been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. The petitioner is not named in the F.I.R. The



petitioner is a businessman and in his family there are two firms namely, Sri Bhawani Steel in which petitioner is proprietor and Shankar Steel in which brother of the petitioner namely, Niraj is the proprietor. The petitioner as well as his brother used to purchase railway scrap in auction throughout the India. He further submits that no incriminating articles has been recovered from the godown of the petitioner. He was made accused only on the basis of confessional statement of co-accused. Petitioner has no criminal antecedent.

Learned APP for the State opposed the prayer for anticipatory bail by submitting that Ram Pdarath Sharma, munshi of Niraj Kumar Dhandani have confessed to the police that railway materials was unloaded at the godown of the petitioner, which is also evident from the impugned order.

Having regard to the facts and circumstances of the case, I am not inclined to enlarge the petitioner named above on bail. The prayer for grant of anticipatory bail on behalf of the petitioner is rejected.

This instant application is dismissed.

(Anjani Kumar Sharan, J)

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