

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46425 of 2021**

Arising Out of PS. Case No.-4 Year-2021 Thana- HAJIPUR RPF/POST District- Saran

BIRENDRA RAI Son of Late Nathu Rai Resident of Village- Baranti North,
P.S.- Rajapakar (Baranti O.P.), Dist- Vaishali. Petitioner/s
Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Alok Kumar Alok, Adv.
For the Opposite Party/s : Mr.Ajit Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER**

2 31-01-2022 The instant case has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioner and Sri Ajit Kumar, the learned APP for the State.

The petitioner seeks regular bail in connection with Hajipur R.P.F. PS case no. 4 of 2021 instituted for the offences punishable under Section 3 of RP(UP) Act.

The allegation is regarding the police having received secret information that some miscreants had broken the door of the railway wagons and had robbed rice/wheat bags from the said railway wagons, whereafter the police had arrived at the spot and arrested some miscreants, who in their confessional statements, had disclosed the name of the



petitioner and other accused persons to be also having complicity in the matter, whereupon the police had conducted a raid at the house of the petitioner and 02 bags of rice/wheat were recovered.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case, is having a clean antecedent and is languishing in custody since 19.05.2021. The learned counsel for the petitioner has further submitted that the rice/ wheat bags in question had been purchased by the petitioner for his own use and are not stolen one. Lastly, it is submitted that neither the petitioner has been arrested from the spot nor any material is available on record so as to connect the petitioner with the alleged crime.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that the petitioner has not been caught red-handed while stealing rice/ wheat bags from the wagon in question and moreover, the petitioner is having a clean



antecedent, I deem it fit and proper to admit the petitioner to the privilege of bail.

Accordingly, the abovenamed petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned court of Judicial Magistrate (Railway) Sonpur, Saran in connection with Hajipur R.P.F. PS case no. 04 of 2021.

(Mohit Kumar Shah, J)

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