

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36162 of 2022

Arising Out of PS. Case No.-01 Year-2022 Thana- KHAGARIA District- Khagaria

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Gulo Yadav S/O Late Asharfi Yadav, Resident of Village- Kothiya Ramtola,
P.S.- Muffasil, District- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binod Kumar, Advocate

For the Opposite Party/s : Mr. Jagdhar Prasad, APP.

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 20-09-2022 Let the defect(s), if any, be removed within two weeks
from today.

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

The petitioner seeks regular bail in connection with
R.P.F. (Khagaria) P.S. Case No. 01 of 2022 lodged under
Section 3 of R.P. (U.P.) Act.

As per prosecution, the allegation has been made
against the present petitioner is that when he was coming out
from hut, he was caught raid handed and from the said hut, the
different types of toys have been recovered. The said toys were
subject to theft articles from train.

Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence. He further

submits that in the F.I.R. R.P.(U.P.) Act has not been applicable as the said property was not of railway. He further submits that petitioner is a man of clean antecedent and he is in custody since 09.02.2022. He further submits that nothing was recovered from the conscious possession of the petitioner, rather it was recovered from an abandonment hut. He further submits that section 3 R.P. (U.P.) Act is an offence in which minimum punishment is one year only.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of the case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty Thousand) with two sureties of the like amount each to the satisfaction of learned J.R.M., Khagaria in connection with R.P.F. (Khagaria) P.S. Case No. 01 of 2022, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of

his bail bond.

B. One of the bailors shall be close relative who shall file an affidavit before the court about his relationship with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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