

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38385 of 2022

Arising Out of PS. Case No.-44 Year-2022 Thana- BUXAR RAIL P.S. District- Bhojpur

Prem Kumar Son of Suresh Kumar Resident of Village - Nawadera, P.O.-
purana Bhojpur, Ward no.18, P.s.- Naya Bhojpur OP (Dumraon), Distt.-
Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Surendra Kumar Singh, Advocate
	:	Mr. Abhijeet Gautam, Advocate
For the State	:	Mr. Upendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 24-08-2022 Heard learned counsel appearing on behalf of the
petitioner and learned APP 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 Buxar
Rail P.S. Case No. 44 of 2022 registered for the offence under
Sections 406, 418, 419, 420 and 120(B) of the Indian Penal
Code.

The accused/petitioner is not named in the F.I.R. and
is in custody since 25.03.2022.

The allegation against the petitioner is of criminal
breach of trust, cheating and dishonestly inducing delivery of
property, alongwith other co-accused persons, where genuine



currency of Rs.40 Lakhs was to be exchanged against the counterfeit currency of Rs.2 crore.

Learned counsel appearing on behalf of the petitioner submitted that petitioner is not named in the F.I.R. and his name surfaced during the course of investigation for the only reason that at the time of occurrence, he was on duty as an RPF constable. It is submitted that name of the petitioner surfaced in this case on the basis of self confession. It is further submitted that nothing incriminating recovered/surfaced during the course of investigation, which may suggest to connect the petitioner with the alleged occurrence. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and, moreover, investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, while opposing the prayer of bail, fairly conceded that petitioner is not named in the F.I.R.

In view of the facts and circumstances, as mentioned above, as save and except suspicion, being constable on duty, nothing incriminating surfaced during the course of investigation, which may connect the petitioner with the alleged



occurrence coupled with the fact that petitioner is a man of clean antecedent, where chargesheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Buxar Rail P.S. Case No. 44 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Railway Judicial Magistrate, Bhojpur at Ara/concerned Court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

Ankit/-

U		T	
---	--	---	--

