

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41245 of 2022

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

KAMENDRA NATH Son of Mahatim Singh Resident of Village - Chausa,
Ward No. 9, P.S.- Buxar (Muffasil), District - Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bachan Jee Ojha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 30-09-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State

through virtual court proceedings.

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, 120(B) of the Indian Penal Code.

The accused/petitioner is not named in the F.I.R. and
is in custody since 26.03.2022.

The allegation against the petitioner is to criminal
breach of trust, cheating and delivery of property, along with
other co-accused persons, where genuine currency of Rs. 55
lakh was to be exchanged against counterfeit currency of Rs. 2



crore.

Learned counsel appearing on behalf of the petitioner submitted that petitioner not named in the FIR and his name surfaced during the course of investigation, for the only reason that at the time of occurrence he was on duty as a RPF constable in next compartment of train. It is further submitted that name of the petitioner surfaced on the basis of confessional statement of co-accused, Prem Kumar, where nothing surfaced during course of investigation to connect this petitioner, *prima facie*, with 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, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that petitioner is not named in the FIR.

Considering the facts and circumstances as mentioned above, as save and except suspicion being constable on duty, where nothing incriminating surfaced during course of investigation which may connect petitioner, *prima facie*, with alleged occurrence, where petitioner is a man of clean antecedent coupled with the fact that charge-sheet 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, Ara (Bhojpur)/concerned court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

R.S.Sen/-

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