

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.54540 of 2021**

Arising Out of PS. Case No.-3 Year-2021 Thana- KAHALGAON RPF/POST District-  
Bhagalpur

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1. Santosh Mahto S/O Ram Bhajan Mahto R/O Village-Maheshamunda, P.S-  
Kahalgaon, District-Bhagalpur.
  2. Nagina Mahto S/O Prakash Mahto R/O Village-Maheshamunda, P.S-  
Kahalgaon, District-Bhagalpur.
  3. Kanna @ Kanhaiya @ Kanhaiya Mahto S/O Paro Mahto R/O Village-  
Maheshamunda, P.S- Kahalgaon, District-Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Ranjan Kumar Jha, Advocate

For the Opposite Party/s : Mr. Anand Mohan Prasad Mehta, APP

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**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
**ORAL ORDER**

2      15-02-2022                      Heard learned counsel for the petitioners and Shri  
Anand Mohan Prasad Mehta, learned A.P.P. for the State  
through virtual court proceedings.

The petitioners seek bail in connection with  
RPF/POST/Kahalgaon P.S. Case No. 03 of 2021 instituted for  
the offences under Section 3(a) of the RP(UP) (Amendment)  
Act, 2012.

Learned counsel for the petitioners submits that the  
petitioner nos. 1 and 2 are in custody since 06.04.2021 and  
petitioner no. 3 is in custody since 06.05.2021, petitioner no. 2  
is a person with clean antecedent and petitioner nos. 1 and 3



have four cases and three cases respectively and charge-sheet has been submitted in the case.

Learned counsel for the petitioners submits that the informant in the F.I.R. alleges that he is a Junior Engineer and he received information that Railway OHE copper catenary wire from 1/02 to 1/08 electric mast no. was hanging after which he went to the spot and found that total 221 metres wire was cut from 1/02 to 1/08 by some unknown persons and nine metres of the wire was hanging. Further, after joint inspection, 221 metres wire was recovered behind the bushes and nearby railway track by Inspector having value of Rs. 38,000/-.

Learned counsel for the petitioners submits that the F.I.R. was against unknown and the petitioners have been falsely implicated in the present case based on their antecedent. Learned counsel further submits that had they stolen the wire then they would have not kept the same at a place from where it could have been recovered easily. It is thus submitted that it were the railway employees who committed the occurrence and the petitioners came to be implicated, further that the name of the petitioners transpired in the confessional statement of co-accused.

Learned A.P.P. for the State vehemently opposes the



prayer for bail of the petitioners.

Considering the fact that the petitioners are in custody, charge-sheet has been submitted in the case and their name transpired in the confessional statement of co-accused, the petitioners above named are directed to be released on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) each with two sureties of the like amount each to the satisfaction of learned Railway Judicial Magistrate, Bhagalpur in connection with RPF/POST/Kahalgaon P.S. Case No. 03 of 2021.

**(Satyavrat Verma, J)**

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