

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54288 of 2021

Arising Out of PS. Case No.-10 Year-2020 Thana- MUZAFFARPUR RPF/POST District-
Saran

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Rahul Kumar @ Deepak Kumar Son of Ranjeet Mahto Resident of Village -
Ramdayalu, Near Hanuman Temple, Ward No.2, P.s.- Sadar, Distt.-
Muzaffarpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr.Uday Pratap Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 13-04-2022 Heard counsel for the parties.

The petitioner is in judicial custody since 27.11.2020
in connection with RPF Post Muzaffarpur Case No. 10 of 2020
under Section 3 of Railway Property (Unlawful Possession) Act
and the informant is Sub-Inspector of RPF Post Muzaffarpur,
namely, Sujit Kumar Mishra.

As per prosecution story, the raid party arrested him
along with another accused, Biltu Paswan with copper wire
worth Rs. 84800/- which they were attempting to hide. The
petitioner in the bail application has stated that he does not have
any criminal antecedent.

But a perusal of the order-sheet of learned Sessions
Judge shows that he is habitual offender. The two statements are



contrary to each other.

The learned counsel for the petitioner submits that the coordinate bench of this Court vide Cr. Misc. No. 22113 of 2021 has released the accused Biltu Paswan on bail on 5.10.2021.

In the aforesaid facts and circumstances, let the petitioner be released on bail on furnishing bail bond of Rs. 25000/- (Twenty five thousand) with two sureties of like amount each to the satisfaction of learned Railway Magistrate, East Central Railway, Sonapur (Saran), in connection with RPF Post Muzaffarpur P.S. Case No. 10 of 2020 subject to following conditions:

(i) the learned Trial Court shall ascertain the criminal antecedent of the petitioner while releasing him on bail;

(ii) one of the bailors should be the family members of the petitioner and will produce official document to show his bona fide;

(iii) the petitioner shall ensure his presence in the pending trial on each and every date and failure to do so for two consecutive dates without plausible reason, the Trial Court shall cancel his bail bond;

(iv) he shall visit the local police station every fortnight for three months to mark his presence;



(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall take steps for cancellation of his bail bonds.

With the aforesaid observation, the bail application is allowed.

(Rajiv Roy, J)

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