

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54471 of 2021

Arising Out of PS. Case No.-20 Year-2021 Thana- SAMSTIPUR RPF/POST District-
Samastipur

UTTAM DAS S/O NOKHE DAS RESIDENT OF VILLAGE- BHUTAHA,
P.S. ROSERA, DISTRICT- SAMASTIPUR

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ravi Prakash Sahay
		Mr.Randhir Kumar No.1
For the Opposite Party/s :		Mr.Ajay Mishra

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 17-05-2022 Heard both sides.

Petitioner seeks regular bail in connection with RPF /
Post / Samastipur PS Case No. 20 / 2021 registered for the
offence under Sections 153 , 175 of the Railways Act.

The petitioner was working as Railway Gate Man
and his duty hour was from 6.00 A.M. to 6.00 P.M. The
allegation is that on the date of occurrence the petitioner did not
close the manual gate due to which one Porclain dashed with the
engine of train no. 05284 and the engine got damaged.

Learned counsel for the petitioner submits that
petitioner has falsely been implicated in this case and he has not
committed any offence as alleged. The manual gate was actually
closed by the petitioner, however, since it was not an electronic
gate the driver of the Porclain machine forcibly opened the gate
with support of his staff and was crossing the track in the
meanwhile porclain dashed with the slow moving engine due to
which minor damage to engine was caused.



Learned counsel for the petitioner submits that under Section 153 of the Railways Act maximum punishment is two (02) years and Section 175 of the Railways Act is not attracted. The petitioner is in custody since 04/08/2021 having no criminal antecedent and he is a Government servant and there is no likelihood that petitioner will abscond or tamper with the evidence if released on bail.

Regard being had to the submissions made by the parties, taking into consideration the material available on record, the fact that petitioner is in custody for about 09 months since 04-08-2021 and enquiry has been completed, as such, I am inclined to grant regular bail to the petitioner.

Let the petitioner, above named, be released on regular bail on furnishing bail bond of Rs. 20000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned J.M. 1st Railway, Samastipur in connection with RPF / Post / Samastipur PS Case No. 20 / 2021.

(Anil Kumar Sinha, J)

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