

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67883 of 2021

Arising Out of PS. Case No.-1 Year-2021 Thana- NAVINAGARA RPF/POST District- Gaya

1. DHARMENDRA KUMAR Son of Gudan Singh @ Rajendra Singh Resident of village - Gobardhan Bigha, P.S.- Barun, District - Gaya
2. Bablu Kumar Son of Munilal Saw Resident of village - Gobardhan Bigha, P.S.- Barun, District - Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar @ S.K., Advocate

For the Opposite Party/s : Mr.Md. Matloob Rab, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 05-05-2022 Heard the learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners seek regular bail in connection with R.P.F. Navinagar P.S. Case No. 01 of 2021 for the offence registered under Section 3 R.P. (U.P.) Act.

The allegation is regarding the police, during the course of patrolling duty, having apprehended two persons while four co-accused persons had managed to flee away and upon search, stolen coal was recovered. The arrested persons are stated to have disclosed the names of the persons who had fled away and the name of the petitioners are stated to have been disclosed by the said arrested persons.

The learned counsel for the petitioners has submitted that the petitioners are innocent, have been falsely implicated in the present case and they are languishing in custody since 07.09.2021.



The learned counsel for the petitioners has submitted that neither the stolen coal has been recovered from the possession of the petitioners nor the petitioners have been arrested from the spot and they have been falsely implicated in the present case merely on the basis of the confessional statement of the co-accused persons, who were arrested from the spot.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioners and taking into account the materials available on record as also considering the fact that neither the petitioners have been arrested from the spot nor any stolen coal has been recovered from their possession, I deem it fit and proper to direct for release of the petitioners herein on regular bail.

Accordingly, the petitioners, above named, are directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Railway Judicial Magistrate, Gaya in connection with R.P.F. Navinagar P.S. Case No. 01 of 2021.

S.Sb/-

(Mohit Kumar Shah, J)

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