

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16909 of 2022

Arising out of P.S. Case No.-2 Year-2020 Thana- Muzaffarpur RPF/Post District- Saran

Gulshan Mallik S/o Late Mahendra Mallik @ Mahendra Mahto, R/o Village-
Purani Gudri, Bahalkhana Road, Ward No. 39, P.S.- Town, Distt.-
Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajeev Ranjan No.II, Advocate

Mrs. Priyanka Kumari, Advocate

For the Opposite Party/s : Mr. Shantanu Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 01-02-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be
removed within a period of four weeks from today.

Petitioner seeks bail in a case registered for the
offences punishable under Section 3 R.P.(U.P.) Act and Section
174(C) of Railway Act.

According to prosecution case, one Mansur Alam, J.E.
Signal, Muzaffarpur submitted his application before the
Inspector Incharge, R.P.F. Post Muzaffarpur on 04.02.2020
alleging therein that he got information from Station Master,
Muzaffarpur about the fail of signal UP Distt. and on enquiry, it
is found that ARA Terminals as well as its connected cable wire
length of 25 meter each has been theft by the thieves after
broken of half case location.

Learned counsel for the petitioner submits that



petitioner is innocent and he has falsely been implicated in the present case only on the basis of suspicion. She further submits that nothing incriminating article has been recovered from the conscious possession of the petitioner or the house of the petitioner. She further submits that the name of the petitioner has been transpired only on the basis of confessional statement statement of co-accused namely, Chintu Mallik and except the confessional statement statement of co-accused namely, Chintu Mallik, no other cogent material has come during investigation against the petitioner. She further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 18.02.2021.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner and submits that petitioner carries two criminal antecedents other than the present one.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Muzaffarpur R.P.F. P.S. Case No. 02 of 2020, subject to the



following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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