

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22830 of 2023

Arising Out of PS. Case No.-5 Year-2022 Thana- RPF Post Bachhwara District- Begusarai

LAL BAHADUR SAH @ LAL BAHADUR SAHA SON OF RAM
KHELWAN SAH R/O BELARI, WARD NO.10, P.S.- UJIYARPUR,
DISTRICT- SAMASTIPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anshu Dhar Sharma, Advocate

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

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 24-06-2023 Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner is apprehending his arrest in connection
with Bachhwara RPF P.S. Case No. 05 of 2022 registered for the
offence punishable under Section 3 of Railway Property
Unlawful Possession Act.

Some articles (Railway property) have been seized
from a scrap dealer, namely, Shiv Narayan Poddar, who had
stated about purchasing the same from the petitioner and one co-
accused Ganga Prasad.

Learned counsel for the petitioner submits that based
on submission of co-accused recorded in police custody,
petitioner has been implicated in this case. Such implication has



no evidentiary value in the eyes of law. The petitioner is having no criminal antecedents and there is no recovery of any railway property or any incriminating materials from the petitioner's possession.

Learned APP for the State has opposed the prayer for pre-arrest bail.

Considering the rival submissions, nature of allegation, and clean antecedent, this Court is inclined to allow petitioner's prayer for grant of anticipatory bail.

Accordingly, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from today, 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 Railway Judicial Magistrate, Barauni, Begusarai in connection with Bachhwara RPF P.S. Case No. 05 of 2022, subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure as also subject to the following conditions:

- (i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is



any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

This Court would expect that the petitioner’s counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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