

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29618 of 2022

Arising Out of PS. Case No.-7 Year-2021 Thana- DEHRI ON SONE RPF/POST District-
Gaya

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1. Chandan Chaudhary @ Chandan Kumar Son of Ramlayak Chaudhary
Resident of Village - Sita Bigha, P.s.- Muffasil, Distt.- Gaya.
 2. Sudama Paswan @ Nankhu @ Nanhaku Son of Late Suresh Paswan
Resident of Village - Sita Bigha, P.s.- Muffasil, Distt.- Gaya.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Bindeswari Singh, Adv
For the Opposite Party/s :	Mr. Murli Dhar, APP
	Mr. Ram Anurag Singh, Adv

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

5 10-01-2023 Heard learned counsel for the petitioners and learned APP for
the State.

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

Petitioners seek bail in connection with RPF Dehri-on-Sone P.S. Case No. 7 of 2021 registered under Section 3 of R.P(U.P)Act.

1 C.S.T.-9 plate, and 10 fishplate (01 meter) have allegedly been recovered from a *tempo*. The *tempo* was searched after the shop of Santosh Kumar (scrap dealer) was searched leading to seizure of some articles (Railways property). It is alleged that the petitioners have fled away from the *tempo*.

Learned counsel for the petitioners submits that even as per prosecution case, petitioners were not present at the time of recovery. There is no recovery attributed to the petitioners, even at the time of



their arrest, subsequently. The petitioners' implication is on account of their antecedents in RPF P.S. Case No. 06/2019, only on suspicion. They are stated to be in custody since 07.02.2022.

Learned counsel for Union of India has opposed the prayer for bail. It is submitted that petitioners are also named accused.

Considering the rival submissions, the fact that no recovery attributed to the petitioners, and period of custody, this Court is inclined to allow the prayer for bail.

Let the petitioners above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Spl Railway Judicial Magistrate, Gaya in RPF Dehri-on-Sone P.S. Case No. 7 of 2021, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailor will also undertake to inform the Court if there is any change in the address of the petitioners.

(ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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