

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32153 of 2023**

Arising Out of PS. Case No.-4 Year-2022 Thana- KIUL RPF/POST District- Lakhisarai

Sarju Singh @ Bijay Singh S/O Late Jhakhuri Singh @ Lale Singh R/O
Village- Murli Hill, Near- Bairagi Mal Godam, P.S- Kotwali, Distt.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mrigendra Kumar, Advocate

For the Opposite Party/s : Mr.Yogendra Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

2 28-06-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with RPF Post
Kiul P.S. Case No. 04 of 2022 registered for the offence under
Section 3 of the Railway Property (Unlawful Possession) Act.

The accused/petitioner is not named in the F.I.R. and
is in custody since 23.01.2023.

The allegation against the petitioner is to commit theft
of Railway property alongwith other unknown co-accused
persons.

Learned counsel appearing on behalf of the petitioner
submitted that the name of petitioner surfaced during the course



of investigation on the confessional statement of co-accused, namely, Vicky Kumar, where in furtherance of, no incriminating material recovered from his possession. It is also submitted that petitioner not put on TIP as yet. It is submitted that impugned order is suggesting the involvement of this petitioner in several cases but that is a typographical error. While concluding the argument, it is submitted that petitioner found involved in one more criminal case, where he is on bail and, moreover, investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above as no railway property appears to be recovered from the possession of this petitioner, in furtherance of confessional statement of co-accused, who named him during the course of investigation, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 23.01.2023 accordingly, petitioner above named, is directed to be released on bail in connection with RPF Post Kiul P.S. Case No. 04/2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of



learned Railway Judicial Magistrate, Kiul, Lakhisarai/concerned
Court, subject to the conditions as mentioned under Section
437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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