

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45478 of 2023

Arising Out of PS. Case No.-8 Year-2023 Thana- GAYA RPF/POST District- Gaya

Shayan Kalim @ Aamir Sheikh @ Shyam Kalim Son Of Md. Kalimuddin
Resident Of Village- Nagmatia Colony, Road No. 4, Post- Gpo, Ps- Civil
Lines, Gaya, Dist- Gaya Bihar Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shakib Ayaz, Advocate

For the Opposite Party/s : Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 04-08-2023

Heard the parties.

The petitioner is apprehending his arrest in connection with R.P.F. (Gaya) Case No. 08/2023 for the offence under section 3 of Railway Property (Unlawful Possession), Act, 1966 lodged on 23.03.2023 by the informant, Sanoj Kumar.

As per the prosecution story, the allegation is that some accused persons were apprehended by the Railway Protection Force as they were trying to take the stolen railway property on a pickup van. The arrested persons upon interrogation, gave the name of the petitioner who runs a shop, Raju Scrap Shop. The shop was raided and number of railway items were recovered/seized.

It is the case of the petitioner that he was not there at the spot, his employees used to work there and having no knowledge about the stolen articles. However, he concedes that he do have criminal antecedent and those arrested were granted bail.



Further, the submission is that without accepting the allegation and/or the outcome of the present petition, petitioner on its own would like to contribute Rs. 10,000/- through Demand Draft issued by the local State Bank of India branch to be submitted before the 'NAZARAT' of concerned Court to be handed over to the Indian Railway.

Learned APP opposes the prayer stating that stolen railway articles have been found in his shop and he do have criminal antecedent.

Taking into account the fact that the petitioner was not present at the shop, the other co-accused have been granted relief though bail, this Court is inclined to extend him the privilege of anticipatory bail subject of payment of Rs. 10,000/- as undertaken by the learned counsel for the petitioner.

Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Railway Judicial Magistrate, Gaya, District- Gaya (RJM, Gaya), in connection with R.P.F. (Gaya) Case No. 08/2023 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.



(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the anticipatory bail application is allowed.

(Rajiv Roy, J)

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