

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50734 of 2023

Arising Out of PS. Case No.-1 Year-2023 Thana- BHAGALPUR RPF/POST District-
Bhagalpur

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Anil @ Anil Bhagat, aged about 44 years, Male, son of Umesh Bhagat,
resident of village- Kanti Gosai Tola, PS- Kanti, Dist. Muzaffarpur
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Mishra, Advocate
For the Opposite Party/s : Mr. Ram Naresh Ray, APP

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CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 19-08-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner apprehends arrest in connection with
RPF/ POST/ Bhagalpur PS Case No. 01 of 2023 dated
09.05.2023, instituted under Sections 3(a) of the Railway
Property (Unlawful Possession) Amendment Act, 2012.

3. The prosecution case, in brief, is that on
09.05.2023, the informant received information that some
persons are lifting railway line from the stock kept besides the
railway track in between Barahat- Mandar Hill Railway Station.
On such information, a railway team reached at the spot and
caught six persons, who were engaged in lifting railway line.
The informant also found two trailers out of which one trailer



was loaded with railway line. All the vehicles and the materials were seized and the apprehended accused persons were taken into custody.

4. Learned counsel for the petitioner submits that the petitioner is not named in the FIR. Petitioner's name has come in the second confessional statement of Anwarul Haque which was recorded on 25.05.2023. On the basis of confessional statement of apprehended persons, Anwarul Haque was arrested and he gave his first confessional statement on 11.05.2023, which is at page 59 and is part of the FIR. There is nothing against the petitioner in the first confessional statement dated 11.05.2023. Lastly, it is submitted that the petitioner has clean antecedents.

5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, Railway, Bhagalpur, in RPF/ POST/ Bhagalpur PS Case No. 01 of 2023, subject to the conditions



laid down in Section 438(2) of the Code of Criminal Procedure,
1973.

7. The application stands allowed.

(Khatim Reza, J)

J. Alam/-

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