

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59275 of 2022

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

Vicky Kumar @ Vikky Kumar S/O Sri Shyam Kishore Ram R/O Village-
Jaynagar Lalpahari, P.S.- Kabaiya, Distt- Lakhisarai.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Union of India Through R.P.F. India

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Shailesh Anand, Advocate
For the Railway/s	:	Mrs. Poonam Kumari Singh, Advocate
For the Opposite Party/s	:	Mr. Ram Anurag Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 18-09-2023 Heard Mr. Shailesh Anand, learned counsel

appearing on behalf of the petitioner, Mrs. Poonam Kumari
Singh, learned counsel appearing on behalf of the Railway and
learned Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
08.07.2022 in connection with RPF Post Kiul P.S. Case No. 04
of 2022, F.I.R. dated 07.07.2022 for the offences punishable
under Section 3 of the Railway Property (Unlawful Possession)
Act.

3. According to prosecution case, on search, total 21
bundles of Readymade and Housary cloth material was
recovered.

4. Learned counsel for the petitioner submits that



petitioner is innocent and he has falsely been implicated in the present case. He further submits that the petitioner is not named in the F.I.R. and his name is transpired during investigation on the basis of mobile location, thereafter, self-confessional of the petitioner has been recorded before the police and thereupon alleged recovery has been made from the joint house of the petitioner. He further submits that, in fact, nothing incriminating article has been recovered from the possession of the petitioner but merely on the basis of suspicion, this petitioner has been made accused in this case. He further submits that due to previous criminal antecedent, the petitioner has been implicated in the present case. He further submits that co-accused persons, namely **Sarju Singh @ Bijay Singh** has been granted bail vide order dated 28.06.2023 in Cr. Misc. No. 32153 of 2023 and other co-accused person, namely, **Ashoke Singh** has been granted bail vide order dated 05.08.2022 in B.P. No. 1527 of 2022 by the A.D.J. - Ist Lakhisarai, Lakhisarai. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 08.07.2022.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and



submits that it has come during the investigation that the petitioner was involved in the present crime in question and mobile location of the petitioner suggest that he was present at the place of occurrence. Apart from that, the recovery was also made from the house of the petitioner and petitioner carries two criminal antecedent other than the present one which are of the similar nature, but fairly submits that on the basis of Paragraph No. 3 of the bail petition, the petitioner is on bail in both the pending cases.

6. Considering the aforesaid facts and circumstances and period of custody, let the petitioner, above named, 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 Judicial Magistrate, Railway, Kiul, District Lakhisarai, in connection with RPF Post Kiul P.S. Case No. 04 of 2022, subject to the following conditions:-

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioner tampers with the evidence or the



witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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