

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63038 of 2023

Arising Out of PS. Case No.-9 Year-2023 Thana- DEHRI ON SONE RPF/POST District-
Gaya

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Dhiraj Kumar @ Dhiraj Kumar Soni @ Deeraj Kumar Soni @ Dheeraj Kumar Soni, aged about 35 years, Male, Son Of Late Bashisht Seth, Resident Of Chaudhary Mohalla, Ward No.1, Barun, P.S. - Barun, District – Aurangabad.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Vinod Kumar, Advocate

For the Opposite Party : Mr. Nand Kishore Prasad, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 06-10-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with R.P.F. (Dehri on Sone) P.S. Case No. 09 of 2023 dated 25.05.2023 registered for the offence punishable under Section 3 of the Railway Property (Unlawful Possession) Act, 1966.

3. As per the prosecution case, 50 Pendrol clip, fish plate, sleeper huck and other railway articles were recovered from the Truck as well as from the shop of the petitioner

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in



this case. The petitioner has clean antecedent, as stated in paragraph no. 3 of the bail petition. It is further submitted that the petitioner was not apprehended on the spot and nothing has been recovered from the conscious possession of the petitioner rather the alleged recovery was made from the Truck in question and the said Truck in question does not belong to the petitioner. The petitioner is only earning member of his family. He is in custody in this case since 14.06.2023.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case, the petitioner above-named, is directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned Court concerned, Gaya, in connection with R.P.F. (Dehri on Sone) P.S. Case No. 09/2023 with the condition:-

(I) The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioner are liable to be cancelled.



7. The application stands allowed.

(Chandra Prakash Singh, J)

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