

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61465 of 2022

Arising Out of PS. Case No.-13 Year-2022 Thana- KODERMA RPF/POST District- Gaya

MUNNA PRASAD, Son Of Late Biphan Mahto R/O Village- Tetariya, Ward
No.08, P.S.- Barachatti, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binod Kumar Sinha, Adv

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

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 02-02-2023 Heard learned counsel for the petitioner and learned APP for
the State.

Petitioner seeks bail in connection with R.P.F (Koderma) P.S.
Case No. 13 of 2022 registered under Section 3 R.P(U.P) Act.

FIR has been instituted on discovery that 130 pendrol clips
were missing and report to this extent by the Trackman.

Learned counsel for the petitioner submits that the petitioner is
a scrap dealer, which is evident from the seizure memo, wherein 195
pendrol clips have been found packed in a sack at the petitioner's
scrap shop. He submits that the manner of recovery indicates that the
petitioner is having no knowledge regarding the same being railway's
property. The material was delivered to him in routine course of
business, sealed in the sack and before he could discover that the
same was railway's property, he was arrested. His implication is
based on statement of co-accused Purshottam Kumar. The petitioner



has no antecedent and he is in custody since 30.07.2022.
Investigation is complete.

Learned APP has opposed the prayer for bail.

Considering the rival submissions, period of custody and manner of recovery, this Court is inclined to allow the petitioner's prayer for bail, also having regard to the clean antecedent of the petitioner and the fact that investigation is complete.

Prayer for bail of the petitioner is allowed.

Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Railway Magistrate in R.P.F (Koderma) P.S. Case No. 13 of 2022, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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