

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65961 of 2023

Arising Out of PS. Case No.-535 Year-2023 Thana- CHAPRA RPF/POST District- Saran

ABHAY RAY SON OF PARAS RAY RESIDENT OF MOHALLA -
RADHIYA, POST - PIPARA, P.S. - MAHARAJGANJ, DISTRICT - SIWAN,
BIHAR

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. UNION OF INDIA THROUGH RAILWAY PROTECTION FORCE,
CHAPRA

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Syed Waquar Haider, Advocate
For the State	:	Mr.Ram Sevak Choudhary, APP
For the U.O.I.	:	Mr. Manoj Kumar Singh, Advocate Mr. Ankit Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 19-10-2023 Heard Mr. Syed Waquar Haider learned counsel

appearing on behalf of the petitioner; Mr. Manoj Kumar Singh,

learned counsel for the Union of India and Mr. Ram Sevak

Choudhary, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Chapra R.P.F. P.S. Case No. 535 of 2023 dated 19.05.2023
registered for the offence(s) punishable under Sections 153 and
174 of the Railways Act, 1989.

3. As per the allegation made in the FIR, the petitioner
has left his motorcycle bearing registration No. BR04J-0750 on
a railway track, which endangered the safety of the persons



travelling upon train No.02563, as the motorcycle obstructed the running of the said train.

4. Learned counsel appearing on behalf of the petitioner submitted that the motorcycle was not being driven by the petitioner and he is not responsible for any act of the person, who had left the motorcycle on the railway track. It is further submitted that the petitioner is not the owner of the said motorcycle and in absence of any report of the District Transport Officer with respect to the ownership of the motorcycle, in question, on the basis of registration number, petitioner cannot be held to be responsible for the act, as alleged in the FIR.

5. Mr. Manoj Kumar Singh, learned CGC, appearing on behalf of the railways, submits that the petitioner has brought on record an affidavit duly sworn before the Notary Public that he has sold the said motorcycle to one Chandrakant Singh, S/o Bir Bahadur Singh, R/o Garauli, Ramgarha, Siwan on 17.04.2023 and petitioner admits that the said motorcycle is not registered in the name of the said Chandrakant Singh in accordance with the provision of the Motor Vehicle Act, the petitioner is responsible for such act.

6. Having considered the rival submissions made on



behalf of the parties, the fact which has come before this Court is that the petitioner being ignorance of the consequences of the affidavit duly sworn before the Notaray Public that he has sold the motorcycle to one Chandrakant Singh on the basis of incorrect advice given to him, he cannot be held to be the registered owner of the said motorcycle.

7. As such, the District Transport Officer, Siwan is directed to submit a report with specific information of the owner on the basis of its registration number before the court below. In case, the said motorcycle is not registered in the name of petitioner, in that case, the petitioner is directed to be released on pre-arrest bail in the event of his surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned ADJ, XI, Saran, Chapra in connection with Chapra R.P.F. P.S. Case No. 535 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

8. It is made clear that at the time of furnishing of bail bond, the petitioner shall also deposit a fine of Rs.2,000/-.

9. In case, the motorcycle is registered in the name of the petitioner, the said fine is further enhanced to Rs.5,000/-.



10. With the aforesaid observation/direction, the application stands disposed of.

(Purnendu Singh, J)

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