

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63999 of 2022**

Arising Out of PS. Case No.-3 Year-2022 Thana- MANSI RPF/POST District- Khagaria

Janaklal Singh S/O Late Reghunath Singh R/v- Hardyal Nagar Banni, P.S.-
Maheshkhunt, District- Khagaria (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bishweshwar Ram, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Singh, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

2 21-02-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with R.P.F.
Mansi P.S. Case No. 03 of 2022 registered for the offence under
Section 3 of the R.P. (U.P.) Act.

The accused/petitioner is not named in the F.I.R. and
is in custody since 30.07.2022.

The allegation against the petitioner is to have in
possession of 9 metres cable, which is the property of railway
and also found in possession of 12 kg of burnt cable armar.

Learned counsel appearing on behalf of the petitioner



submitted that the alleged seized materials, which is the property of railway, recovered from the open field which belongs to co-accused Rana Rakesh Kumar, who has already been granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 60049 of 2022 vide order dated 07.02.2023. It is also submitted that alleged recovery was made from an open field accessible by general public. While concluding the argument, it has been submitted that petitioner is a man of clean antecedent and moreover, investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded that petitioner is not named in F.I.R.

Considering the facts and circumstances as mentioned above, as alleged recovery of railway property was made from an open field accessible by general public coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with R.P.F. Mansi P.S. Case No. 03 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Railway, Khagaria/concerned court, subject to the



conditions as mentioned under Section 437 (3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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