

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68915 of 2023

Arising Out of PS. Case No.-49 Year-2023 Thana- NARKATIYAGANJ RAIL P.S. District-
West Champaran

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Raushan Kumar Singh Son Of Jai Shankar Singh, Resident Of Village -
Senuriya, Ps- Kangali, Distt- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar, Advocate
For the Opposite Party/s : Mr.Kalyan Shankar, APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 2 07-11-2023 1. Heard learned counsel for the petitioner and the
learned APP for the State.
2. The petitioner apprehends his arrest in connection
with Narkatiyaganj Rail P.S. Case No. 49 of 2023 dated
07.07.2023 registered for the offence punishable under Sections
353, 504 and 506 of the Indian Penal Code and Section 145 of
Railway Act.
3. The main submissions advanced by the learned
counsel for the petitioner are that against the petitioner, there is
criminal antecedent of one case in which he has got bail and the
said criminal case was of different nature and the instant case
relates to consuming of alcohol by this petitioner while
discharging his official duty but in fact, at the alleged time of



occurrence the petitioner was discharging his duty in double shift and worked for about 16 hours continuously so in that condition he slept at about 3:30 A.M. in the morning on account of feeling exhausted. Further submissions are that the FIR was lodged after delay of 2 days without giving any explanation and the petitioner was not medically examined regarding the allegation of consuming alcohol, so there is no medical evidence to support the prosecution's allegation and as per the allegation levelled in the FIR, some passengers videographed the alleged act of the petitioner but admittedly the clip of the said videography was not handed over to the informant and the petitioner has been put under suspension for the alleged wrong in violation of the settled rule of the departmental proceeding.

4. Learned APP appearing for the State has opposed the bail prayer.

5. Considering the above submissions, this court is inclined to accept the anticipatory bail prayer of the petitioner. Accordingly, let the petitioner named-above, in the event of his arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail in connection with Narkatiyaganj Rail P.S. Case No. 49 of 2023 on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two



sureties of the like amount each to the satisfaction of the Court concerned, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Shailendra Singh, J)

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