

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 70907 of 2023

Arising Out of PS. Case No.-12 Year-2022 Thana- SAMSTIPUR RPF/POST District-
Samastipur

MANISH KUMAR @ MANISH KUMAR RAM S/O- LATE DEEPAK RAM
R/O- VILLAGE- AKBARPUR MATHURAPUR, WARD NO.- 12, PS-
MATHURAPUR OP, DIST.- SAMASTIPUR, STATE- BIHAR.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amit Narayan, Adv
Ms. Ritika Roy, Adv
For the Opposite Party/s : Mr.Dinesh Singh, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 07-11-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
R.P.F./S.P.J Case No. 12 of 2022 registered on 02.11.2022
lodged under Sections 3 of the Railway Property (Unlawful
Possession) Act, 1966

3. As per the prosecution case, the allegation of theft
is against the petitioner that had stolen railway property i.e.
counter weight of approx Rs. 10,800/- and in this was he has
committed loss to the Railway revenue of the above said
amount.

4. Counsel further submits that petitioner is innocent
and has committed no offence. He further submits that nothing



incriminating has been recovered from the possession of the petitioner. He further submits that petitioner is in custody since 13.08.2023 having one criminal case pending against him, in which he is on bail. He further submits that from the seizure list, it transpired that the said recovery of pole is made at the distance at a bush and not from the possession of the petitioner.

5. Learned counsel for the State opposes the prayer for bail and submits that petitioner has caused loss of Rs. 10,800/- to the Railways.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail *after he pays Rs. 10,800/- in the Bank Account of the Railways* and on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class Railway, Samastipur in connection with R.P.F./S.P.J Case No. 12 of 2022 subject to the following conditions as well as the conditions laid down under Section 437 (3) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *bona fide*;



(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

7. With this observation, the bail application stands allowed.

(Dr. Anshuman, J)

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