

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70250 of 2022

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

BHOLA KUMAR Son of Sidheshwar Sah Resident of Mohalla- Gandhi
Nagar Manpur, P.S.- Muffasil, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar Mishra

For the Opposite Party/s : Mr.Pushpa Sinha

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 13-03-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for regular bail in a case registered for the offence punishable under section 3 of the R.P. (UP) Act.

As per FIR, allegation against the petitioner is that three meter railway cable and Taibar have been recovered from the shop of the petitioner which were alleged to be stolen.

Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case. The name of the petitioner has been disclosed in this case by the co-accused namely Baiju Yadav. It is further submitted vide para 8 & 9 of the petition that alleged Railway Cable and Taibar have been recovered



from the scrap shop of the petitioner but seizure list was not prepared in the presence of independent witnesses rather the seizure list witnesses are only police personnel which is violation of section 100 of the Cr.P.C. It is further submitted that this case relates to trial by Magistrate. Moreover, the petitioner is languishing in judicial custody since 7.8.2022.

Learned APP appearing for the state has opposed the prayer of regular bail.

Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Gaya R.P.F. P.S. Case No. 12 of 2022 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Railway Magistrate, Gaya.

(Sunil Kumar Panwar, J)

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