

Arising Out of PS. Case No.-03 Year-2023 Thana- SITAMARHI COMPLAINT CASE
District- Sitamarhi

... .. Petitioner/s

The State of Bihar

... .. Opposite Party/s

For the Petitioner/s : Mr. Abhigyan Kumar, Advocate
For the Opposite Party/s : Mr. Amitesh Kumar, APP

ORAL ORDER

2. The petitioner seeks bail in connection with RPF/SMI Case No.-03 of 2023 registered for the offence under Section 3 of the Railway Property (Unlawful Possession) Act,1966.

3. The allegation against the petitioner is to have stolen six batteries from battery room at Fatak No.76/B.

4. Learned counsel appearing on behalf of the petitioner has submitted that petitioner is not named in the FIR and he has falsely been implicated in the present case. It has further been submitted that nothing incriminating articles were



recovered from the conscious physical possession of the petitioner. It is further submitted that similarly situated co-accused has already been granted regular bail by this Court passed in Cr. Misc. No. 5288 of 2024 vide order dated 12.02.2024 and he is in custody since 14.10.2023.

5. Learned APP appearing for the State, opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances and alleged recovery has not been made from the conscious physical possession of this petitioner, let the petitioner, above named, is directed to be released on bail ***after framing of the charge*** in connection with RPF/S.M.I Case No.03 of 2023 on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Railway, Samastipur.

7. The trial court is directed to conclude the proceeding of framing of charge according to law within a period of 15 (fifteen) days from the date of receipt of a copy of this order. However, it is made clear that ***if the charge-sheet has not been submitted*** then the above named petitioner shall be released on bail on furnishing bail bond with further condition that the petitioner have to present physically on each and every



date before the Trial Court till conclusion of the proceeding of framing of charge.

(Ramesh Chand Malviya, J)

Brajesh Kumar/-

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