

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16359 of 2024

Arising Out of PS. Case No.-812 Year-2023 Thana- MOTIHARI RPF/POST District- West
Champaran

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Santosh Kumar S/o- Vinayak Baitha Village- Lohargawa W.No-8, Ps-
Kesariya Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Abhishek Kumar, Adv.

For the Opposite Party/s : Mr.Anuj Kumar Shrivastava, APP.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 14-03-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 153,
174(B) of the Railways Act.

3. Allegedly, a person is said to have tried to cross the
railway track along with his motorcycle unauthorisedly, but as
soon as he saw a train coming towards him, he fled away
leaving his motorcycle on the track. The seized motorcycle
belongs to the petitioner.

4. It is submitted by learned counsel for the petitioner
that petitioner is quite innocent and he has committed no
offence. He has been falsely implicated in this case due to



suspicion. The allegation levelled against the petitioner is totally false and based on concocted facts. He has been made accused in the present case merely because he is the owner of the said motorcycle. The real fact is that a co-villager had taken motorcycle of the petitioner for purchasing medicines for his family member, but unfortunately, the motorcycle dashed with the train and due to fear, driver of the motorcycle fled away leaving the motorcycle of the petitioner. Petitioner has one criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State opposes the prayer for bail.

6. Having regard to the facts and circumstances of the case, as there is no specific overt act against the petitioner and he has been made accused in the present case merely because the seized motorcycle belongs to him, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with



Bapudham (Motihari) R.P.F. Case No. 812 of 2023, subject to
the condition as laid down under Section 438 (2) of the
Cr.P.C.

(Anjani Kumar Sharan, J)

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