

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25516 of 2024

Arising Out of PS. Case No.-753 Year-2023 Thana- RAFIGANJ RPF/POST District- Gaya

CHANDAN KUMAR S/O SRI YADUNANDAN PRASAD SINGH @
YADUNANDAN PRASAD Resident of village -Taradih, P.S.- Madanpur,
District- Aurangabad.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pawan Kumar, Advocate.

For the Opposite Party/s : Mr.Rajendra Nath Jha, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 24-04-2024 Heard Mr. Pawan Kumar, learned counsel appearing
on behalf of the petitioner and Mr. Rajendra Nath Jha, learned
APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with RPF (Post) Rafiganj P.S. Case No. 753 of 2023 registered
for the offence punishable under Section 143 of the Railway
Act, 1989.

3. As per the allegation made in the F.I.R., the
petitioner happens to be the owner of the shop Ayush Common
Service Center, being operated under the digital India
Programme, for which license was issued by the CSC E-
Governance Services India Limited, Ministry of Electronics and
Information Technology, Government of India, New Delhi. The
allegation against the petitioner is that from his shop, 24 illegal



railway e-tickets worth Rs.32,227/- and other articles used for printing railway tickets were recovered. A laptop was seized from co-accused Rajiv Ranjan kumar from the place of seizure.

4. Learned counsel appearing on behalf of the petitioner submitted that the petitioner is innocent and he has committed no offence as alleged. The petitioner is running a Common Service Centre having valid ID duly recognized by the Ministry of Electronics and Information Technology for which electronics gadgets are required. On the date of search, petitioner was not present at his shop as he was undergoing training at Indian Institute of Management, Gaya. There is no compliance of Section 100 during search of the shop of the petitioner. The account number mentioned in the F.I.R. does not belong to the petitioner. Petitioner being innocent not having found at the place of occurrence cannot be held in any manner to have committed any offence as alleged in the F.I.R. The very ingredient of Section 143 of the Railway Act is missing in the case of the petitioner. Petitioner has clean antecedent.

5. Learned APP for the State has vehemently opposed the prayer for grant of pre-arrest bail to the petitioner.

6. Considering the facts and circumstances of the case and nature of allegation levelled against the petitioner, the



petitioner, above named, is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Railway Judicial Magistrate, Gaya in connection with RPF (Post) Rafiganj P.S. Case No. 753 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

7. The District Court is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases as what has been stated in Para-3 of the bail petition, this order will automatically lose its force.

(Purnendu Singh, J)

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