

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56157 of 2024

Arising Out of PS. Case No.-1 Year-2024 Thana- SAMSTIPUR RPF/POST District-
Samastipur

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Kapil Mahto @ Kapildeo Mahto, Son of Late Bannelal Mahto, R/o-Village-
Marachi Indrapath, W.No-3, Bhagwati Asthan @ Virpur Vishahar Asthan,
P.S.- Hanspur Dist- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shailendra Kumar, Advocate
For the Opposite Party/s : Mr. Murli Dhar, APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 03-09-2024

Heard Mr. Shailendra Kumar, learned counsel for

the petitioner and Mr. Murli Dhar, learned APP for the State.

2. The petitioner apprehends his arrest in connection
with R.P.F. Post Samastipur P.S. Case No. 01 of 2024 dated
12.01.2024 registered for the offence punishable under Section
3 of the Railway Property (Unlawful Possession) Act.

3. Learned counsel appearing for the petitioner submits
that the petitioner has been falsely implicated in this case merely
on the basis of confessional statement of co-accused persons
namely, Ajay Kumar and Vikash Kumar given before the police
and in the confessional statement, they stated that they used to
sell the stolen articles at the scrap shop of the petitioner but no
stolen article has been recovered from the scrap shop of the



petitioner till date and he has been provided a Certificate of Verification issued from the Office of the Controller Legal Metrology, Government of Bihar.

4. Learned APP for the State has opposed the prayer for bail of the petitioner.

5. Having considered the submissions noted hereinabove and mainly the facts that in respect of the petitioner's involvement in the alleged crime, the prosecution is mainly relying upon the statements of co-accused Ajay Kumar and Vikash Kumar recorded by them before the police and as per their statements, they used to sell the stolen articles at the shop of the petitioner but as per statement made in paragraph no. 7 of the petition, no stolen article concerned to the alleged theft has been recovered from the scrap shop of the petitioner, considering these aspects, in my opinion, it is a fit case for anticipatory bail to the petitioner. Accordingly, let the petitioner named-above, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned in connection with R.P.F. Post Samastipur P.S. Case No. 01 of 2024, subject to the



conditions as laid down under Section 438(2) of the Cr.P.C.

(Shailendra Singh, J)

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