

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65074 of 2024

Arising Out of PS. Case No.-9 Year-2024 Thana- GAYA RPF/POST District- Gaya

Pankaj Kumar S/o Sunil Kumar @ Sunil Prasad R/o village- Batamore
Dulhinganj, ward no. 8, P.s. - Kotwali, Distt.- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Raj Ballabh Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 25-11-2024 Heard the parties.

2. The petitioner is in custody in connection with R.P.F. Gaya P.S. Case No. 09 of 2024 for the offence punishable under section 3 RP(UP) Act lodged on 28.06.2024.

3. As per the prosecution story, the informant alleged that while on duty, came to know about the theft of iron object/plates/pendrolls and upon search of Gulshan Kumar and Pankaj Kumar, the same were recovered/seized which led to the FIR.

4. Learned counsel for the petitioner submits that only because of earlier implication, he has been implicated in the case, is the only earning family member and his long custody since 29.06.2024 (paragraph-9 of the petition) has left his family on the verge of starvation. Further, the submission is that



without accepting the allegation and/or the outcome of the case, the petitioner on its own intends to deposit Rs. 5,000/- to the Indian Railways through Demand Draft of local State Bank of India Branch.

5. Learned APP opposes the prayer for bail submitting that he has criminal antecedent.

6. Considering the submissions put forwarded by the parties as also the fact that an FIR is lodged against him, he have to face the music, is in custody since 29.06.2024 and is the only earning member of the family, in that background, this Court is inclined to extend him the privilege of bail with conditions subject to payment of Rs. 5,000/- to the Indian railways as undertaken by the petitioner and the receipt have to be submitted before the learned Trial Court.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Judicial Railway Magistrate, Gaya, in connection with R.P.F. Gaya P.S. Case No. 09 of 2024 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;



(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

Adnan/-

U		T	
---	--	---	--

