

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82283 of 2024

Arising Out of PS. Case No.-2 Year-2024 Thana- RPF Post Bachhwara District- Begusarai

Deepak Kumar Tiwari Son of Maheshi Tiwari Resident of Ward No. 05,
Farsha Chowk, Bazidpur, P.S. - Vidyapatinagar, District - Samastipur, Bihar-
848503.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Yash Sahay, Adv.
For the Opposite Party/s : Mr. Madan Kumar, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 05-12-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection
with R.P.F. Post Bachhwara P.S. Case No. 02 of 2024 registered
for the offences punishable under Section 3 of the Railway
Property (Unlawful Possession) Act, 1966.

3. As per FIR, the allegation against the petitioner is that
he along with other co-accused sold the railway copper wire to
the *Kabari* Shop of one Pramod Sah and from that shop
approximately 50 Kg copper cable has been recovered.

4. It is submitted by learned counsel for the petitioner
that the petitioner is quite innocent and has committed no
offence. No such occurrence as alleged has ever taken place.



He has falsely been implicated in this case due to ulterior motive. The allegation levelled against the petitioner is totally false and based on concocted facts. No any incriminating article has been recovered either from the conscious or constructive possession of the petitioner. Thus no offence under Section 3 of the Railway Property (Unlawful Possession) Act, 1966 is made out against him. He was not apprehended on the spot. There is no independent eye-witness to the alleged occurrence. It is further submitted that there is nothing on record to indicate the complicity of the petitioner barring the confessional statement of the apprehended person which has no evidentiary value in the eye of law. The transfer of money which is referred to in the FIR was actually transferred by the said co-accused to the petitioner for the mustard supplied to him by the petitioner as petitioner is a farmer by profession and he used to supply mustard to co-accused Vivek Kumar. Learned counsel further submits that petitioner has no criminal antecedent as mentioned in para-3 of this application.

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

6. Considering the facts and circumstances of the case as well as the nature of the offence, I am not inclined to enlarge the petitioner on anticipatory bail. The prayer for anticipatory bail



of the petitioner is hereby rejected.

7. Accordingly, the application stands dismissed.

8. However, if the petitioner surrenders before the learned Court below within six weeks from today and seeks regular bail, the learned Court below shall pass order on the same day in accordance with law without being prejudiced by this order considering the fact that petitioner has no criminal antecedent.

(Anjani Kumar Sharan, J)

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