

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.35831 of 2025**

Arising Out of PS. Case No.-1 Year-2025 Thana- FATUA RPF/POST District- Patna

Aman Kumar S/O Shri Vashishshth Narayan @ Bashishth Narayan Resident  
of Pareo , P.O.- Pareo, P.S.- Bihta, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Pawan Kumar

For the Opposite Party/s : Mr. Kumar Veerendra Narayan

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA**  
**ORAL ORDER**

3      03-09-2025                      1. Heard learned Counsel for the petitioner and  
learned Additional Public Prosecutor for the State.

2. This application, for grant of anticipatory bail,  
arises out of R.P.F. Fatuah Police Station Case No. 01 of 2025,  
disclosing offences under Section 3 of the Railway Property  
(Unlawful Possession) Act, 1966.

3. As per the prosecution case lodged on the basis  
of written report of Junior Engineer/TRD/Hilsa to the Incharge  
Railway Police Officer stating therein on 18.01.2025, at about  
7:40 pm, informant received information from TP Control that  
between Pole No. 21/21 to 22/03, situated between Chandi and  
Noorsarai Station, some unknown persons had cut the Overhead  
Equipment Wire (OHE Wire). Upon receiving this information,  
the informant proceeded towards the place of occurrence and  
found that 350 meters of OHE wire valued at Rs. 25,666/- were



stolen by unknown persons,

4. Mr. Pawan Kumar, learned counsel for the petitioner submits that the petitioner is not named in the FIR which has been registered against unknown persons. He has falsely been implicated in this case with oblique motive. The petitioner is the proprietor of the firm in the name and style of Swastik Enterprises, Pareo, and has been dealing in the business of selling of copper scrap. The Swastik Enterprises of the petitioner is registered with the Ministry of Micro Small and Medium Enterprises, Government of India having UDYAM Reg. No. UDYAM-BR-26-0036420 with registered office as Narayan Building, Pareo Main Road, Patna. The petitioner's firm is duly registered with GST having GSTIN/UIN: 10EDSPK8899G2ZS in the State of Bihar. Since the petitioner has been dealing with the copper scrap, the petitioner's firm Swastik Enterprises purchased the copper scrap amounting to Rs. 25,46,752/- from one Abhishek Enterprises having GSTIN No. 10NNIPS9404JIZJ after payment of CGST and SGST at the rate of 9% on 18.01.2025. The photocopy of E-Way bill along with tax invoice has been annexed at Annexure P/3. 2897 kg of copper scrap was purchased by the petitioner from Abhishek Enterprises on 18.01.2025 and on 21.01.2025. 2642 kgs of



copper scrap was sold by the petitioner's firm in favour of SRO Overseas Private Limited which would be evident from E-Invoice annexed with this petition at Page No. 74. For transportation of the sold items, the petitioner availed the service of transporter namely Seven Rail and Transport Company, Bazirabad, Delhi by booking his consignment vide L.R. No. 852.

5. The consignment was booked on 20.01.2025 and the transportation company, after full satisfaction and verification of the items, accepted the consignment for transportation to SRO Overseas Private Limited at Delhi. Learned counsel further submits that it is the responsibility of the transport company to deliver the consignment to the consignee at his address. The consignor has no liability or responsibility after the transporter has accepted the consignment after due verification. The petitioner is bonafide purchaser of the copper scrap from Abhishek Enterprises but he has falsely been implicated in this case on the basis of statement made by the Munsif (clerk) of the transportation company at the time of raid by the police. The seizure list and the statement of the clerk at the time of seizure in which signature of the Munsif namely Sumit Raj is also there would go to show that the seizure was



made on 21.01.2025 and the consignment was accepted by the transporter from the petitioner on 20.01.2025.

6. On the other hand, learned counsel for the State referring to the case diary submits that during course of investigation, Naushad Ali, who is a transporter and takes tender of SLR, has said about the involvement of the petitioner in the present case.

7. I have heard learned counsel for the parties and have gone through the materials on record. The petitioner is a registered micro small and medium enterprises having a valid UDYAM registration number. From invoice details with E-Way bill annexed along with this application, it appears that the petitioner/firm purchased the copper scrap worth Rs. 25,46,752/- from Abhishek Enterprises also having the GSTIN number. The petitioner/firm in turn sold the copper scrap to SRO Overseas Private Limited by E-Way bill on 21.01.2025. The transporter accepted the consignment of the petitioner for delivering at SRO Overseas Private Limited at Delhi. Accordingly, I am inclined to grant the petitioner privilege of anticipatory bail.

8. This application is, accordingly, allowed.

9. Let the petitioner, above named, in the event of



his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Railway Magistrate, Patna, in connection with R.P.F. Fatuah Police Station Case No. 01 of 2025, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure/Section 482(2) of the BNSS, 2023.

(Anil Kumar Sinha, J)

HarshPandey/-

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