

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50029 of 2024

Arising Out of PS. Case No.-2 Year-2021 Thana- BANMANKHI RPF/POST District-
Khagaria

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Sanjay Kumar Paswan @ Sanjay Paswan Son of Mohan Paswan Resident of
MIG-200, Doctor's Colony, Kankarbagh, Lohia Nagar and P.S.- Kankarbagh,
District – Patna.

... .. Petitioner/s

Versus

Union of India through Department of Railways. New Delhi.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ansul Sr. Advocate Mr.Kumar Harshvardhan, Advocate Mr. Anshul Aaryan, Advocate
For the Opposite Party/s :		Mr. Arvind Kumar, Sr. C.G.C.

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

10 05-03-
2025

Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the

Railways.

2. The accused/petitioner is not named in F.I.R. and

apprehending his arrest in connection with R.P.F. Banmankhi

P.S. Case No. 02B of 2021, registered for the offences

punishable under Sections 3 and 4 of the Railways Property

(Unlawful Possession) Act, 1966.

3. The allegation against the petitioner is to commit



theft or misappropriate unlawfully, the railways property which was rail engine and trolley. Petitioner was Divisional Electrical Engineer, working with railways and at the time of occurrence was posted at Samastipur. As per allegation, the occurrence took place at Purnea court railway station which was under the jurisdiction of Samastipur Railway Division.

4. Mr. Ansul, learned senior counsel appearing on behalf of the petitioner submitted that the petitioner was not named with FIR, whereas during the course of investigation out of suspicion arising from confessional statement of co-accused persons, namely, Rajeev Ranjan Jha and Kumar Krishna Shankar, the name of petitioner transpired. It is submitted that petitioner being law abiding citizen cooperate in investigation whenever it was called by RPF and, as such, he attended the investigation/enquiry on 17.12.2021 and 16.08.2023. It is pointed out that during investigation, he was not arrested and finally after completion of investigation, the investigating agency submitted final form against petitioner by exonerating him. It is submitted by Mr. Ansul, that by taking a different note, learned Jurisdictional Magistrate took



cognizance against the petitioner without assigning any reason and issued the summons. Referring the cognizance order as passed by learned trial court summoning the petitioner as an accused dated 05.02.2024, Mr. Ansul, submitted that cognizance was taken against petitioner for the reasons that the petitioner's involvement appears suspicious instead of having any *prima facie* case against him.

5. Mr. Arvind Kumar, learned counsel appearing for the Railways while opposing the prayer of anticipatory bail submitted that this petitioner being influential person, being departmental head of the railways managed the investigation by misleading the agency. It is pointed out that this petitioner issued a forged letter that scrap materials of railways which are lying in Purnea Court railway station are not falls under the territorial jurisdiction of Samastipur Division and on the basis of said letter, the items lying over there were not made subject of tender and, thereafter, it was illegally sold in connivance with other accused persons.

6. Considering the aforesaid facts and circumstances and by taking note of fact as the investigation of this case is



already completed, where during investigation petitioner cooperated investigating agency and, thereafter, the final form was submitted against him, whereafter the learned trial court finding petitioner as a suspicious person took cognizance, accordingly, above named petitioner, in the event of his arrest or surrender before the learned trial Court, within a period of four weeks of the order, is directed to be released on bail furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Addl. Sessions Judge-VII, Khagaria/concerned Court, where the case is pending in connection with R.P.F. Banmankhi P.S. Case No. 02B of 2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C./482(2) of the BNSS., with further condition:-

(i) Accused/Petitioner shall cooperate in the trial and if the petitioner found delaying the trial intentionally, the bail bond of petitioner shall liable to be cancelled, if pressed by prosecution.

(ii) Accused/Petitioner shall be physically present on each and every date before the Trial Court till conclusion of the



trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(Chandra Shekhar Jha, J)

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