

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51881 of 2025

Arising Out of PS. Case No.-1766 Year-2025 Thana- PATNA JN RPF/POST District- Patna

Chandan Kumar S/o Vinod Prasad R/o Mohalla- Paharpur (Police Colony),
P.S.- Gardanibagh, Post- Anisabad, Patna

... .. Petitioner/s

Versus

The state of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Deepak Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Bhanu Pratap Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 21-08-2025 Heard Mr. Deepak Kumar Sinha, learned counsel for

the petitioner and Mr. Bhanu Pratap Singh, learned Additional

Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with R.P.F. Patna P.S. Case No. 1766 of 2025, F.I.R. dated 14.05.2025 for the offences punishable under Section 160(2) of Railway Act, 1989.

3. According to prosecution case, it is alleged that Gateman Shubham Kumar apprehended an e-rickshaw bearing Registration No. BR01RB-1871 and kept the same in his possession. It is further alleged that the southern boom of the gate was found broken. Upon assessment, the value of the damaged boom was estimated at Rs. 3,000/-. The said e-rickshaw was thereafter kept in the custody of the R.P. Post, Patna Junction. It is also alleged that the driver of the e-rickshaw fled away from the spot immediately after the



accident. Consequently, the FIR was instituted against the unknown driver.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedents. The allegation as alleged in the F.I.R. is false and fabricated and the petitioner is not named in the F.I.R. and the name of the petitioner transpired only on the basis that he is driver of the vehicle in question and it appears from the F.I.R. that due to conduct of the petitioner, the Railways has suffered a loss to the tune of Rs. 3,000/-

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts, petitioner has clean antecedent and petitioner is not named in the F.I.R., let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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 the Court of Railway Judicial Magistrate, Patna in connection with R.P.F. Patna P.S. Case No. 1766 of 2025, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure



/Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita and
with other following conditions:-

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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