

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52534 of 2015

Arising Out of PS.Case No. -52 Year- 2009 Thana -BHAGALPUR GRP CASE District-
BHAGALPUR

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Md. Bhosul @ Nausad Ansari @ Monsul @ Nausad S/O Md. Nasir @
Nasiruddin, resident of Village- Mahadeoganj P.S.- Mufasil (Muslim Tola)
District- Sahebganj (Jharkhand)

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Davendra Kumar Pandey

For the Opposite Party/s : Mr. A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

3 09-12-2015 Heard Sri Shivesh Chandra Mishra, learned counsel,

who was assisted by Sri Devendra Kumar Pandey, learned counsel

for the petitioner and learned Addl. Public Prosecutor.

The petitioner, who is in custody since 06.02.2015 in
connection with Bhagalpur Rail P.S. Case no.52/09 corresponding
to S.T. No.943(B)/2010 registered for the offence under Sections
395, 397, 412 of the Indian Penal Code, has prayed for grant of
bail.

Learned counsel for the petitioner submits that the
petitioner has falsely been implicated in the present case. There is
nothing against the petitioner, save and except confessional
statement of co-accused. On the aforesaid ground, he has prayed

for grant of bail.

Learned Addl. Public Prosecutor has opposed the prayer for bail. He submits that on perusal of para-3 of the petition, it is evident that the petitioner is convict in relation to the same offence i.e. under Sections 396 and 397 of the Indian Penal Code. Of course, after conviction he has preferred an appeal before the Jharkhand High Court and he was on bail.

Keeping in view the fact that the dacoity was committed in the running train and material on record, particularly the fact that the petitioner is named in the F.I.R. I do not find any ground to extend the privilege of bail. The petition stands dismissed.

It was submitted by learned counsel for the petitioner that in the present case, charge has already been framed. Accordingly, while dismissing the bail petition, it would be appropriate to observe that the trial court may take appropriate steps, so that trial may come to its logical end without unnecessary delay.

(Rakesh Kumar, J)

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