

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39272 of 2014

Arising Out of PS.Case No. -47 Year- 2009 Thana -RAIL District- LAKHISARAI

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Ram Chandra Ram, son of late Mohit Ram, resident of village-Azmalpur,
P.S. Rajapakar, District-Vaishali.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gopal Sharan Singh

For the Opposite Party/s : Mr. Sanjay Kr.Tiwary(App)

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CORAM: HONOURABLE MR. JUSTICE V. NATH
ORAL ORDER

2 27-03-2015

Heard the learned counsel for the petitioner.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 395, 397 of the Indian Penal Code and under Section 27 of the Arms Act.

The learned counsel for the petitioner has submitted that the mobile set of the petitioner was lost on 26.01.2009 and for this a sanha was lodged by the petitioner. It has further been submitted by the petitioner that the occurrence has taken place on 26.11.2009 much after the loss of the mobile set of the petitioner, and on this basis, the submission has been made that simply because the SIM which was in the name of the petitioner has been said to have been utilized, he has been implicated.

After considering the facts and submission as well as the order passed by the learned Sessions Judge directing the petitioner

to surrender before the learned Railway Judicial Magistrate with further direction to the learned Railway Judicial Magistrate that on his surrender he will consider all his pleadings without being prejudiced by this said order, this Court is not inclined to enlarge the petitioner on anticipatory bail in connection with Jhajha Rail P.S. Case No. 47 of 2009 pending in the Court of the learned Railway Judicial Magistrate, Kiul and the prayer for bail is accordingly rejected.

However, it is observed that the petitioner may act upon the direction as passed by the learned Sessions Judge and the learned Railway Judicial Magistrate is directed to consider all the pleas of the petitioner on its own merits in accordance with law.

(V. Nath, J)

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