

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17406 of 2016

Arising Out of PS.Case No. -21 Year- 2015 Thana -KHAGARIA GRP CASE District- KHAGARIA

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Md. Bablu Son of Shekh Biranchi, Resident of Village Jhandapur, Sekh Tola Police Station- Bihpur, District-Bhagalpur.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Binod Kumar, Advocate

For the Opposite Party : Mr. Ram Anurag Singh, APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 24-05-2016 Heard learned counsel for the petitioner and learned counsel for the State.

Petitioner is in custody since 15.02.2016 in connection with **Naugachhia Rail P.S.Case No.21 of 2015** registered for the offence under Sections 461, 382, 411, 307 and 353/34 of the IPC and Section 27 of the Arms Act.

As per the prosecution case, it is alleged therein that on the given date and time, the informant who is police officer along with others were escorting the Amrapali Express Train and when the train departed from Kharik Station a vacuum in the train was done and when the informant and others proceeded towards the engine in the torch light they saw that some miscreants have broken the lock of parcel boggy and have thrown ten bundles on the ground and in the torch light they saw six to seven persons

fleeing away and when the miscreants were asked to stop they started firing upon the police party and in return the police also opened fire and the miscreants managed to escape.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 15.02.2016. Chargesheet has been submitted in the case. Petitioner has falsely been implicated in the present case on the basis of a confessional statement of a co-accused. Petitioner has not been put on test identification parade to ascertain his involvement in the present case. There is no recovery of any incriminating article from the possession of the petitioner. The other co-accused has been granted bail by this Court vide Cr.Misc.No.20805 of 2016.

On behalf of the State, it has been submitted that the petitioner is not named in the FIR.

Considering the aforesaid facts and circumstances, let the above named petitioner 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 **Railway Judicial Magistrate, Khagaria** in connection with **Naugachhia P.S.Case No.21 of 2015**.

(Sudhir Singh, J)

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