

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.57838 of 2015

Arising Out of PS.Case No. -26 Year- 2015 Thana -RAIL District- LAKHISARAI

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Ajay Kumar @ Ajay Mandal @ Bablu Mandal son of Raghuveer Mandal
resident of village - Pariya, P.S. Bariyarpur, District - Munger.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Sevak Choudhary

For the Opposite Party/s : Mr. Atul Chandra(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 25-01-2016

Heard learned counsel for the petitioner and learned

A.P.P. representing the State.

The petitioner seeks bail in connection with Rail Jamalpur P.S. Case No. 26 of 2015 registered for the offence punishable under Section 395 of the Indian Penal Code.

Allegedly 4-5 miscreants committed dacoity in Surat Bhagalpur Express train and during investigation the petitioner was apprehended and he confessed his guilt and on that basis one mobile phone was recovered from possession of co-accused Dharmveer Kumar.

Submission is of false implication and that the petitioner is in custody since 04.09.2015 but he has not been put on TIP, the police after adopting third degree method has got recorded his confessional statement, nothing has been recovered

from his conscious possession and, as such, he deserves sympathetic consideration.

The learned A.P.P. submits that on the basis of confessional statement of the petitioner looted mobile was recovered from possession of co-accused Dharmveer Kumar.

In the facts and circumstances stated above, considering the detention of the petitioner and further that he has not been put on TIP and nothing has been recovered from his conscious possession and, as such, the petitioner, above named, is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Learned Railway Judicial Magistrate, Kiul, Lakhisarai arising out of Rail Thana Jamalpur P.S. Case No. 26 of 2015 subject to the conditions that one of the bailors must be near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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