

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53042 of 2016

Arising Out of PS.Case No. -44 Year- 2016 Thana -PATNA GRP CASE District- PATNA

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Jwalla Kumar @ Jwalla Yadav, Son of Mahesh Singh, Resident of Village-
Alipur, P.S.- Salimpur, Dist- Patna.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Chandra Mohan Jha

For the Opposite Party/s : Mr. Md. Ashlam Ansari

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 22-12-2016 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks bail in connection with
Bakhtiyarpur Jn. Police Station Case No. 44 of 2016 for offences
alleged under sections 414 of the Indian Penal Code and 25(1-b)
A/26/35 of the Arms Act.

The prosecution case, as alleged by the S.H.O., G.R.P.,
Bakhtiyarpur Police Station, is that two accused persons, namely,
Abhishek Raj @ Jallu and Ajeet Kumar were apprehended by the
G.R.P. Personnel under suspicious condition and on search, they
have been found in possession with some incriminating articles and
they disclosed the fact that they had committed offence in the earlier
cases.

The counsel for the petitioner submits that the



petitioner is innocent and has falsely been implicated in the aforesaid case on the confessional statement of one Ajeet Kumar, which has no evidential value in the eye of law. He further submits that when the other co-accused was apprehended, the petitioner was in custody in connection with Bakhtiyarpur P.S. Case No. 29 of 2016 and has been remanded in the present case on 11th August 2016. He further submits that nothing incriminating has been recovered from the possession of the petitioner and no overt act has been committed by him and charge sheet has already been submitted, hence there is no chance of tampering with the prosecution evidence.

However, learned Additional Public Prosecutor for the State opposes the prayer for bail.

Be that as it may, considering the aforesaid facts and circumstances and submission of the parties, let the petitioner, named above, be enlarged 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, Patna in connection with Bakhtiyarpur Jn. Police Station Case No. 44 of 2016.

(Nilu Agrawal, J)

Mahesh/-

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