

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11324 of 2017

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

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Kundan Yadav @ Kundan Kumar Son of Nandan Yadav Resident of
Village - Tikarampur, P.S. - Muffasil, District - Munger, at present resident
of Village - Khutia, P.S. - Mansi, District - Khagaria.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pankaj Kumar

For the Opposite Party/s : Mr. Sri Rajkishore Singh

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

4 27-04-2017 Heard the learned counsel for the petitioner as well as
the learned A.P.P. for the State.

In this application for anticipatory bail the petitioner apprehends his arrest in connection with Mansi (Maheshkhunt) Rail P.S. Case No. 21 of 2015 for the offences punishable under sections 395 and 397 of the I.P.C and section 27 of the Arms Act.

Allegedly, the informant Suresh Sharma boarded on the passenger train for Katihar and thereafter 7-8 accused persons armed with Katta entered into the boggy and committed offence of loot from the informant and other several passengers and caused injury to the co-passengers and fled away after opening fire. During investigation name of the petitioner transpires in the



confessional statement of co-accused Santosh Yadav.

Submission is of false implication and that besides the confessional statement there is no other material against the petitioner and as such the petitioner deserves sympathetic consideration.

The learned A.P.P. opposes prayer for pre-arrest bail of the petitioner by submitting that the test identification parade is required in this case and at this stage granting pre-arrest bail will hamper the investigation.

In the facts and circumstances as stated above, I am not inclined to grant privilege of pre-arrest bail to the petitioner and accordingly his such prayer stands rejected in connection with the aforementioned case pending in the court of the Railway Judicial Magistrate, Khagaria.

However, in case and if so advised, the petitioner surrenders and seeks regular bail then his prayer for regular bail shall be considered on its own merits without being prejudiced by this order.

(Jitendra Mohan Sharma, J)

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