

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48164 of 2017

Arising Out of PS.Case No. -39 Year- 2016 Thana -JAMALPUR RAIL P.S. District- LAKHISARAI

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Azad Kumar @ Azad Mandal Son of Manoj Mandal, R/o Village- Padiya,
P.S.- Bariyarpur, District- Munger.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar

For the Opposite Party/s : Mr. Sri Lalan Kumar

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 29-11-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in custody since 18.09.2016 in connection with Sessions Case No. 07 of 2017 arising out of Jamalpur Rail P.S. Case No. 39 of 2016 for offences punishable under Sections 302, 394, 411 of the Indian Penal Code and 27 of the Arms Act.

Earlier the bail application of the petitioner was rejected in Cr. Misc. No. 21349 of 2017 on 21.06.2017.

The prosecution case, as lodged by the Rail Police, is that on the sound of firing the police reached the place of occurrence and found a boy seriously injured and some unknown



persons fleeing away from the place of occurrence. The said boy subsequently succumbed to the injury.

It has been submitted by the learned counsel for the petitioner that he is innocent, not named in the F.I.R. and his name surfaced only on the confessional statement of co-accused as well as the confessional statement of the petitioner before the police which has no evidentiary value in the eye of law. He submits that one of the co-accused whose name also surfaced during course of investigation has been granted the privilege of bail by a co-ordinate Bench of this Court in Cr. Misc. No. 21111 of 2017 on 23.06.2017.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner and other co-accused were engaged in snatching activities in the railway platform and surrounding areas and two cases are pending against him. In this regard a report was called for from the court of learned 2nd Additional Sessions Judge, Lakhisarai. The report has been sent by letter no. 87/2017 dated 03.11.2017 wherein it has been stated that one witness has been examined upto now.

Considering the facts and circumstances and the materials on record as well as the fact that another co-accused has



been granted the privilege of bail, let petitioner, above named, 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 learned Additional District and Sessions Judge-II, Lakhisarai in connection with Sessions Case No. 07 of 2017 arising out of Jamalpur Rail P.S. 39 of 2016, subject to the conditions that

- (1) Both bailors would be close relative of the petitioner having sufficient immovable property, who will file an affidavit stating their relationship with the petitioner.
- (2) Petitioner will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J)

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