

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21349 of 2017

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

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

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s
=====

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Advocate

For the Opposite Party/s : Mr. Zainul Abedin, APP
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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 21-06-2017 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. 07/17, arising
out of Jamalpur Rail P.S. Case No. 39/16 for offences punishable
under Sections 302, 394, 411 of the Indian Penal Code and 27 of
the Arms Act.

The prosecution case, as lodged by the Rail
Police is that on the sound of firing the police personnel went to
the place of occurrence and found a boy seriously injured and
some unknown persons running away from the place of
occurrence.

It has been submitted by the learned counsel for



the petitioner that he is innocent and has falsely been implicated in the aforesaid case as he is not named in the First Information Report and only on the basis of confessional statement of co-accused and his own confessional statement he has been falsely implicated. It is submitted that the charge-sheet has already been submitted, hence, there is no chance of tampering with the prosecution evidence.

However, learned APP for the State submits that the petitioner does not have a clean antecedent and different paragraphs of the case diary also indicates that the petitioner and other accused persons were involved in snatching activities in the railway station.

Considering the facts and circumstances and the materials on record, I am not inclined to grant the petitioner privilege of bail in connection with Sessions Case No. 07/17, arising out of Jamalpur Rail P.S. Case No. 39/16, pending in the court of learned Addl. Sessions Judge-II, Lakhisarai.

(Nilu Agrawal, J)

Rajesh/-

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