

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.45439 of 2015

Arising Out of PS.Case No. -33 Year- 2015 Thana -KAUAKOL District- NAWADA

PRAMOD KUMAR, SON OF LATE DHANUSDHARI PANDEY,
RESIDENT OF VILLAGE PANDEY GANGOUT, POLICE
STATION RUPAU, DISTRICT NAWADA

.... PETITIONER

VERSUS

1. THE STATE OF BIHAR

2. THE DISTRICT MANAGER, BIHAR STATE FOOD AND
CIVIL SUPPLY CORPORATION, NAWADA

.... OPPOSITE PARTIES

Appearance :

For the Petitioner : Mr. Rakesh Kumar

For the Opposite Parties : Mr. Md.Nazir Ansari (App)

CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
ORAL ORDER

3 07-10-2015

This is an application, made under Section 439 of the Code of Criminal Procedure, seeking bail for the accused-petitioner, namely, Pramod Kumar, in connection with Kawakole (Rupou) Police Station Case No. 33 of 2015, under Sections 406/09420/34 of the Indian Penal Code.

Perused the above application and materials on record.

Heard Mr. Rakesh Kumar, learned Counsel, appearing on behalf of the petitioner, and Mr. Nazir Ansari, learned Additional Public Prosecutor, appearing on behalf of the opposite parties.

Though the allegation, made against the accused-petitioner, makes out a *prima facie* case of criminal



breach of trust and not merely a dispute of civil nature arising out of breach of agreement, yet, taking into the account the fact that the petitioner has been in custody since 22.07.2015 in connection with the case aforementioned and though *charge sheet* has been submitted, trial has not yet commenced and perusal of the materials available does not reveal such incriminating materials, which would warrant further detention of the accused-petitioner in custody, and in view of the fact that the perusal of the materials does not reveal that the accused-petitioner's liberty on bail would adversely affect the trial, it is, in the interest of justice, hereby directed that the accused above-named shall be released on bail of Rs. 10,000/- with two sureties, each of the like amount, subject to the satisfaction of the learned Chief Judicial Magistrate, Nawada, in connection with Kawakole (Rupou) Police Station Case No. 33 of 2015.

This direction for bail is further subject to the condition that the accused above-named shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence and shall appear, in the learned Court below, as may be directed.

In terms of the above observations and directions, this bail application shall stand disposed of.

(I.A. Ansari, ACJ.)

Prabhakar Anand/-

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