

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15760 of 2015

Arising Out of Pakrideyal PS.Case No. -209 Year- 2014 Thana -
PAKRIDAYAL District- EAST CHAMPARAN (MOTIHARI)

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1. Umesh Tiwari Son of Late Ram Balak Tiwari
2. Rahul Tiwari Son of Umesh Tiwari
3. Sudha Devi @ Sudha Devi Wife of Umesh Tiwari
All residents of Village Chaita, P.S. - Pakrideyal, District - East
Champaran.

.... Petitioners

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shakti Suman Kumar

For the Opposite Party/s : Dr. M.K. Gautam (App)

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CORAM: HONOURABLE MR. JUSTICE I. A. ANSARI

ORAL ORDER

3 10-07-2015 This is an application, made under Section 438 of the

Code of Criminal Procedure, seeking pre-arrest bail by the

petitioners, namely, Umesh Tiwari, Rahul Tiwari and Sudha Devi

@ Sudhu Devi, in connection with Pakrideyal Police Station Case

No. 209 of 2014 under Section 364/120B/34 of the Indian Penal

Code.

Perused the above application, materials available in the

case diary and materials on record including a copy of the order,

dated 03.03.2015, passed, in A.B.P. No.1268 of 2014, by the

learned Additional Sessions Judge X, East Champaran, Motihari,

dismissing the said application for pre-arrest bail.

Heard Mr. Shakti Suman Kumar, learned counsel for the petitioners, and Dr. M.K.Gautam, learned Additional Public Prosecutor, appearing on behalf of the State.

Considering the nature of incriminating materials available against petitioner No.1, his prayer for pre-arrest bail is hereby rejected.

In view of the fact that perusal of record does not reveal any such incriminating materials against the petitioner Nos. 2 and 3, namely, Rahul Tiwari and Sudha Devi @ Sudhu Devi, which would warrant their custodial detention and interrogation, this Court is of the view that the petitioner Nos.2 and 3 have been able to make out a case calling for appropriate direction for pre-arrest bail.

Considering, therefore, the matter in its entirety and in the interest of justice, it is hereby directed that the petitioner Nos. 2 and 3 above-named shall, in the event of their arrest in connection with the case aforementioned, be released on bail of Rs. 10,000/-, with two sureties of the like amount, subject to the satisfaction of the Officer-in-Charge, Pakrideyal Police Station, East Champaran, Motihari. This direction for bail is further subject to the condition that the petitioner Nos. 2 and 3 above-named shall, within two weeks from today, appear before the Officer-in-Charge,

Pakrideyal Police Station, and make themselves available for interrogation by police at all reasonable time and 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 them from disclosing such facts to the Court or to any police officer.

This application for pre-arrest bail shall stand disposed of in terms of the above observations and directions.

Let a copy of this order be sent, forthwith, to the Officer-in-Charge, Pakrideyal Police Station, District East Champaran, Motihari.

Send also a copy of this order, forthwith, to the Superintendent of Police, Motihari, by fax.

(I. A. Ansari, J)

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