

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25269 of 2015

Arising Out of PS.Case No. -41 Year- 2014 Thana -MAHILA PS District- JEHANABAD

=====

1. Subodh Kumar Sao @ Subodh Kumar son of Laxmi Sao, Resident of village- Dhorha Bazar, P.S.- Makhdumpur (Tehta O.P.), District- Jehanabad

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

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

For the Opposite Party/s : Mr. Manish Kr. 2(APP)

=====

CORAM: HONOURABLE MR. JUSTICE I. A. ANSARI
ORAL ORDER

2 08-07-2015

This is an application, made under Section 438 of the Code of Criminal Procedure, seeking pre-arrest bail by the petitioner, namely, Subodh Kumar Sao @ Subodh Kumar, in connection with Jehanabad Mahila Police Station Case No. 41 of 2014 under Section 376 of the Indian Penal Code.

Perused the above application and materials on record including a copy of the order, dated 02.05.2015, passed, in A.B.P. No. 393 of 2015, by the learned Sessions Judge, Jehanabad, dismissing the said application for pre-arrest bail.

Heard Mr. Umesh Kumar, learned Counsel for the petitioner, and Mr. Manish Kumar-2, learned Additional Public Prosecutor, appearing on behalf of the State.

In view of the fact that on investigation, the police

submitted its report stating to the effect that the case against the petitioner could not be established, but the learned Magistrate has taken cognizance by differing from the opinion of the police.

Though the taking of cognizance by the learned Magistrate may not be bad in law, this Court is of the view that perusal of the record does not reveal any such incriminating materials against the petitioner, which would warrant his custodial detention and interrogation.

Situated thus, this Court is of the view that the petitioner has 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 above-named shall, in the event of his arrest in connection with the case aforementioned, be released on bail of Rs. 10,000/-, with two sureties, each of the like amount, subject to the satisfaction of the Officer-in-Charge, Mahila Police Station, Jehanabad. This direction for bail is further subject to the condition that the petitioner above-named shall, within two weeks from today, appear before the Officer-in-Charge, Mahila Police Station, Jehanabad, 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 him/her 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, Mahila Police Station, Jehanabad.

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

Mkr./-

(I. A. Ansari, J.)

U		T	
---	--	---	--