

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25134 of 2015

Arising Out of PS.Case No. -390 Year- 2012 Thana -KHAGARIA District- KHAGARIA

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1. Roji Bano D/o Md. Mohit @ Panchu @ Md. Mohid
2. Tafiya Khatoon W/o Mohit @ Panchu @ Md. Mohid, Both resident of
village- Jalkaura, P.S.- Khagaria (Gangour), District- Khagaria

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Ram Sumiran Rai, Advocate
For the Opposite Party : Mr. Ram Chandra Singh, APP

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CORAM: HONOURABLE MR. JUSTICE I. A. ANSARI

ORAL ORDER

3 16-07-2015 This is an application, made under Section 438 of the

Code of Criminal Procedure, seeking pre-arrest bail by the
petitioners, namely, Roji Bano and Tafiya Khatoon, in connection
with Khagaria (Gangour) Police Station Case No. 390 of 2012
under Sections 147/148/149/323/364/380 of the Indian Penal
Code.

Perused the above application and materials on record
including a copy of the order, dated 18.06.2014, passed, in A.B.P.
No. 271 of 2014, by the learned Sessions Judge, Khagaria,
dismissing the said application for pre-arrest bail and, order, dated
04.04.2014, passed by a Bench of this Court in Cr. Misc. No. 249
of 2014.

Heard Mr. Ram Sumiran Rai, learned Counsel for the
petitioners, and Mr. Ram Chandra Singh, learned Additional

Public Prosecutor, appearing on behalf of the State.

In view of the fact that perusal of record does not reveal any such incriminating materials against the petitioner, which would warrant his custodial detention and interrogation, 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 the fact that similarly situated co-accused has been granted the benefit of pre-arrest bail by a Bench of this Court by order, dated 04.04.2014, passed in Cr. Misc. No. 249 of 2014, and in the interest of justice, it is hereby directed that the petitioners above-named shall, in the event of their arrest in connection with the case aforementioned, be released on bail of Rs. 10,000/- each, with two sureties of the like amount, subject to the satisfaction of the Officer-in-Charge, Khagaria (Gangour) Police Station, District-Khagaria. This direction for bail is further subject to the condition that the petitioners above-named shall, within two weeks from today, appear before the Officer-in-Charge, Khagaria (Gangour) Police Station, District-Khagaria, 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 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, Khagaria (Gangour) Police Station, District-Khagaria.

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

(I. A. Ansari, J)

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