

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46246 of 2014

Arising Out of Adapur PS.Case No. 135 of 2012 Thana -
AADAPUR District- EASTCHAMPARAN (MOTIHARI)

- =====
1. Manjoor Mian son of Ali Hasan Mian
 2. Ali Hussain Mian @ Ali Hasan Mian, son of late Khursan Mian,
Both are residents of village Balwari Majhariya,
P.S. Adapur, District East Champaran.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner : Mr. Vijay Shankar Shrivastava

For the Opposite Party/s : Mr. Gopesh Kumar (APP)

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

2 23-04-2015 This is an application, made under Section 438 of the Code of Criminal Procedure, seeking pre-arrest bail by the petitioners, namely, Manjoor Mian and Ali Hussain Mian @ Ali Hasan Mian, in connection with Adapur Police Station Case No. 135 of 2012 under Sections 148/323,452,366(A)/363(A)/366(B)/34 of the Indian Penal Code.

Perused the above application and materials on record including a copy of the order, dated 09.01.2014, passed, in A.B.P. No.2186 of 2013, by the learned Sessions Judge, East Champaran, Motihari, dismissing the said application for pre-arrest bail.

Heard Mr. Vijay Shanker Shrivastava, learned

counsel for the petitioner, and Mr. Gopesh Kumar, learned Additional Public Prosecutor, appearing on behalf of the State.

In view of the fact that perusal of the materials on record does not reveal any such incriminating materials against the petitioners, which would warrant their custodial detention and interrogation, this Court is of the view that the petitioners 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 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, Adapur Police Station, East Champaran, Motihari. 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, Adapur 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 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, Adapur Police Station, District East Champaran, Motihari.

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

(I. A. Ansari, J)

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