

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41889 of 2014

Arising Out of PS.Case No. -110 Year- 2014 Thana -KATORIA District- BANKA

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1. Khurshid Ansari Son of Islam Mian @ Uttim Mian
 2. Islam Mian @ Uttim Mian Son of Late Tahri Mian.
 3. Nafu Ansari Son of Late Udis Mian.
 4. Bailu Ansari Son of Late Gulo Mian
 5. Pirku Mian @ Pakru Mian Son of Late Newaji Mian.
 6. Tabrai Mian @ Tabrai Ansari Son of Mosim Ansari.
 7. Md. Bandhu Mian @ Bandhu Mian Son of Late Newaji Mian.
 8. Mokim Ansari Son of Late Tahir Mian All are Resident of Village-Suiya, P.S.-Katoriya, (Suiya), District-Banka.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Ajay Thakur, Advocate
Mr. Sanjay Kumar Jha, Advocate
For the Opposite Party : Mr. Md. A. Haque Sahau, APP

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CORAM: HONOURABLE MR. JUSTICE I. A. ANSARI

ORAL ORDER

6 02-07-2015 This is an application, made under Section 438 of the Code of Criminal Procedure, seeking pre-arrest bail by the petitioners, namely, Khurshid Ansari, Islam Mian @ Uttim Mian, Nafu Ansari, Bailu Ansari, Pirku Mian @ Pakru Mian, Tabrai Mian @ Tabrej Ansari, Md. Bandhu Mian @ Bandhu Mian and Mokim Ansari, in connection with Katoriya (Syiya) Police Station Case No. 110 of 2014 under Section 147/148/149/341/323/324/325/307/504 of the Indian Penal Code.

Perused the above application and materials on record including a copy of the order, dated 09.09.2014, passed, in A.B.P. No. 1894 of 2014, by the learned Sessions Judge, Bhagalpur,

dismissing the said application for pre-arrest bail.

Heard Mr. Ajay Thakur, learned Counsel for the petitioner, and Mr. Md. A. Haque Sahau, learned Additional Public Prosecutor, appearing on behalf of the State.

Considering incriminating nature of materials against the petitioner No.2, namely, Islam Mian @ Uttim Mian, this Court is of the view that in the facts and attending circumstances of the present case, the petitioner No.2, namely, Islam Mian @ Uttim Mian, has not been able to make out any case calling for giving him benefit of pre-arrest bail.

In view of the above and in the interest of justice, the prayer for pre-arrest bail of petitioner No.2, namely, Islam Mian @ Uttim Mian is hereby rejected.

Considering the fact that perusal of record does not reveal any such incriminating materials against the petitioners, namely, Khurshid Ansari, Nafu Ansari, Bailu Ansari, Pirku Mian @ Pakru Mian, Tabraij Mian @ Tabrej Ansari, Md. Bandhu Mian @ Bandhu Mian and Mokim Ansari, which would warrant their custodial detention and interrogation, this Court is of the view that the petitioners aforementioned 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/-, with two sureties, each of the like amount, subject to the satisfaction of the Officer-in-Charge, Katoriya (Suiya) Police Station, Banka. 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, Katoriya (Suiya) Police Station, Banka, 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, Katoriya (Suiya) Police Station, Banka.

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

(I. A. Ansari, J)

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