

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43569 of 2014

Arising Out of PS.Case No. -72 Year- 2014 Thana -JAMALPUR District- MUNGER

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Chhotu Paswan Son of Satya Narain Paswan Resident of Village-
Jagdishpur, P.S.-Jamalpur, District-Munger.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Sanjiv Kumar Singh, Advocate

For the Opposite Party : Mr. Rajendra Prasad Nat, APP

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CORAM: HONOURABLE MR. JUSTICE I. A. ANSARI

ORAL ORDER

2 07-05-2015

This is an application, made under Section 438 of the Code of Criminal Procedure, seeking pre-arrest bail by the petitioner, namely, Chhotu Paswan, in connection with Jamalpur Police Station Case No. 72 of 2014 under Section 376 read with Section 34 of the Indian Penal Code.

Heard Mr. S. K. Singh, learned Counsel for the petitioner, and Mr. R. P. Nat, learned Additional Public Prosecutor, appearing on behalf of the State.

Perused the above application and materials on record including the statement of the alleged victim, aged about 11 years, recorded under Section 164 of the Code of Criminal Procedure, which shows that the alleged victim has not made accusation against the petitioner of making an attempt to commit rape on her and that there is no other witness, who supports the

allegation of attempt to commit rape on the alleged victim.

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, 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, Jamalpur Police Station, Munger. 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, Jamalpur Police Station, Munger, and make himself 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, Jamalpur Police Station, Munger.

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

(I. A. Ansari, J)

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