

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46120 of 2014

Arising Out of PS.Case No. -216 Year- 2013 Thana -KISHUNPUR District- SUPAUL

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1. Manoj Chauhan, Son of Satya Narayan Chauhan,
2. Subhas Kumar @ Subhash Chauhan, Son of Satya Narayan Chauhan,
Both resident of village Sishoni, P.S. Kishanpur, District- Supaul.
3. Birendra Chauhan, S/o. Ramdeo Chouhan, Resident of Village- Majurba,
P.S. Triveniganj, District- Supaul.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Mishra, Advocate.
Mr. Arun Kumar, Advocate.

For the Opposite Party/s : Mr. Pronati Singh(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, Manoj Chauhan, Subhash Kumar @ Subhash Chouhan and Birendra Chouhan, in connection with Kishanpur Police Station Case No. 216 of 2013 under Sections 341/323/324/307/354/380/504/506/34 of the Indian Penal Code.

Perused the above application and materials on record including a copy of the order, dated 15.10.2014, passed, in A.B.P. No.335 of 2014, by the learned Sessions Judge, Camp Supaul, dismissing the said application for pre-arrest bail.

Heard Mr. Pramod Mishra, learned counsel for the petitioners, and Mrs. Pronoti Singh, learned Additional Public

Prosecutor, appearing on behalf of the State.

During the course of investigation, the petitioners were allowed to go on bail by the Investigating Officer and pursuant to the investigation, *charge-sheet* was submitted under Sections 341/323/324/354/504/506/34 of the Indian Penal Code. However, the learned jurisdictional Magistrate has taken cognizance of offence under Sections 307 of the Indian Penal Code too.

Learned counsel appearing on behalf of the petitioners submits that warrant of arrest has been issued against the petitioners.

Considering the fact that *police report*, in terms of Section 173(2)(i) of the Cr.PC., has already been submitted and there is nothing to show that the case, at this stage, warrants any further investigation and the materials on record do not reveal any such incriminating materials against the petitioners, which would warrant their custodial detention, 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/-, with two sureties of the like amount each, subject to the satisfaction of the Officer-in-Charge, Kishanpur Police Station, Supaul. This direction for bail is further subject to the condition that the petitioners above-named shall, within a week from today, appear in the learned Court below and shall continue to appear as may be directed by the learned Court below. It is further directed that the petitioner 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 or 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, Kishanpur Police Station, District Supaul.

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

(I. A. Ansari, J.)

Mkr./-

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