

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50899 of 2014

Arising Out of PS.Case No. -207 Year- 2014 Thana -AURAI District- MUZAFFARPUR

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Md. Qamar Alam Tamanna Son of Late Kasim Ali Resident of Village -
Misrauliya, P.S.- Aurai, Distirict - Muzaffarpur

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Krishna Chandra, Advocate

For the Opposite Party : Mr. Shantanu Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE I. A. ANSARI

ORAL ORDER

2 30-04-2015

This is an application, made under Section 438 of the Code of Criminal Procedure, seeking pre-arrest bail by the petitioner, namely, Md. Qamar Alam Tamanna, in connection with Aurai Police Station Case No. 207 of 2014 under Section 376 read with Section 34 of the Indian Penal Code.

Perused the above application and materials on record including a copy of the order, dated 12.11.2014, passed, in A.B.P. No. 1976 of 2014, by the learned Sessions Judge, Muzaffarpur, dismissing the said application for pre-arrest bail.

Heard Mr. Krishna Chandra, learned Counsel for the petitioner, and Mr. Shantanu Kumar, learned Additional Public Prosecutor, appearing on behalf of the State.

In view of the fact that there is no accusation against the petitioner that he subjected the proscutrix to rape inasmuch as



though the first information report was lodged after six days of the occurrence, the petitioner was not named, as one of the accused, involved in commission of the alleged offence, and, perusal of the 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, Aurai Police Station, District-Muzaffarpur. 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, Aurai Police Station, District-Muzaffarpur, 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, Aurai Police Station, District-Muzaffarpur.

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

(I. A. Ansari, J)

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