

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50958 of 2014

Arising Out of PS.Case No. -194 Year- 2013 Thana -DHURAIYA District- BANKA

- =====
1. Jitendra Kumar Gupta @ Gabbar @ Jitendra Kr. Gupta, Son of Kailash Pd. Sah @ Kailash Sah,
 2. Khusboo Gupta, Wife of Jitendra Kumar Gupta, Both Resident of Village - Sagunia P.S.- Dhoraiya, in the District of Banka, presently residing at Swami Vivekanand Path, Adampur, P.S.- Adampur, District - Banka

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Gopal Prasad Roy, Advocate.

For the Opposite Party/s : Mr. Pramod Kr.Panday(APP)

=====

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

3 30-04-2015

This is an application, made under Section 438 of the Code of Criminal Procedure, seeking pre-arrest bail by the petitioners, namely, Jitendra Kumar Gupta @ Gabbar @ Jitendra Kumar Gupta and Khusboo Gupta, in connection with Dhoraiya Police Station Case No. 194 of 2013 under Sections 406/420/34 of the Indian Penal Code.

Perused the above application and materials on record including a copy of the order, dated 10.11.2014, passed, in A.B.P. No. 2076 of 2014, by the learned Sessions Judge, Banka, dismissing the said application for pre-arrest bail.

Heard Mr. Gopal Prasad Roy, learned Counsel for the

petitioners, and Mr. Pramod Kumar Pandey, learned Additional Public Prosecutor, appearing on behalf of the State.

As far as prayer for pre-arrest bail of petitioner No.1, namely, Jitendra Kumar Gupta @ Gabbar @ Jitendra Kumar Gupta, is concerned, the same has become infructuous is, therefore, not pressed.

In view of the fact that perusal of the record does not reveal any such incriminating materials against the petitioner No.2, which would warrant her custodial detention and interrogation, this Court is of the view that the petitioner No.2 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 No.2 shall, in the event of her 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, Dhoraiya Police Station, Banka. This direction for bail is further subject to the condition that the petitioner No.1 shall, within two weeks from today, appear before the Officer-in-Charge, Dhoraiya Police Station, Banka, and make herself 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, Dhoraiya Police Station, Banka.

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

(I. A. Ansari, J.)

Mkr./-

U	√	T	√
---	---	---	---