

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43261 of 2014

Arising Out of PS.Case No. -64 Year- 2014 Thana -PUSA District- SAMASTIPUR

- =====
1. Kamlesh Choudhary Son of Ram Swarth Choudhary
 2. Madhukar @ Nilesh Choudhary Son of Kamlesh Choudhary Both are Resident of Village-Shrirampur Ayodhya, P.S.-Pusa, District-Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Birendra Kumar, Advocate.

For the Opposite Party/s : Mr. Sadanand Paswan (SPL. PP)

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

4 21-05-2015

This is an application, made under Section 438 of the Code of Criminal Procedure, seeking pre-arrest bail by the petitioners, namely, Kamlesh Choudhary and Madhukar @ Nilesh Choudhary, in connection with Pusa Police Station Case No. 64 of 2014 under Sections 323/307/504 of the Indian Penal Code, Section 27 of the Arms Act and Section 3(I)(X) of the SC/ST Act.

Perused the above application and materials on record including a copy of the order, dated 15.09.2014, passed, in A.B.P. No. 2791 of 2014, by the learned Sessions Judge, Samastipur, dismissing the said application for pre-arrest bail.

Heard Mr. Birendra Kumar, learned Counsel for the petitioners, and Mr. Sadanand Paswan, learned Special Public

Prosecutor, appearing on behalf of the State.

Considering the fact that a proceeding, under Section 107 Cr.P.C., was registered at the instance of the petitioners against the informant of the case aforementioned and there is also a counter case, which was registered at the instance of the petitioners before lodging of the First Information Report, which has led to the registration of the case aforementioned, wherein the petitioners have sought for pre-arrest bail, coupled with the fact that perusal of the record does not reveal any such incriminating materials against the petitioners, which would warrant their custodial detention and interrogation, 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, each of the like amount, subject to the satisfaction of the Officer-in-Charge, Pusa Police Station, Samastipur. 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, Pusa Police Station,

Samastipur, 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, Pusa Police Station, Samastipur.

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

(I. A. Ansari, J.)

Mkr./-

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