

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47076 of 2015

Arising Out of Pothia PS.Case No. -247 Year- 2014
Thana -POTHIYA District- KISANGANJ

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1. Fazlu Rahman son of Sayed Ali, Resident of village- Dalyan, P.S. Harischandrapur, District- Malda (W.B.)

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amal Kumar Sinha

For the Opposite Party/s : Mr. S.N Shukla (APP)

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
ORAL ORDER

2 15-10-2015

This is an application, made under Section 439 of the Code of Criminal Procedure, seeking bail for the accused-petitioner, namely, Fazlu Rahman, in connection with Pothia Police Station Case No. 247 of 2014, under Sections 399/402 of the Indian Penal Code.

Perused the above application and materials on record.

Heard Mr. Amal Kumar Sinha, learned Counsel for the petitioner, and Mr. S.N.Shukla, learned Additional Public Prosecutor, appearing on behalf of the State.

In view of the fact that the accused above-named has been in custody since 26.03.2015 in connection with the case aforementioned and though *charge sheet* has been submitted, trial has not yet commenced and perusal of the

materials available on record does not reveal such incriminating materials, which would warrant further detention of the accused-petitioner in custody, and in view also of the fact that the perusal of the materials does not reveal that the accused-petitioner's liberty on bail would adversely affect his trial, it is, in the interest of justice, hereby directed that the accused above-named shall be released on bail of Rs. 10,000/- with two sureties, each of the like amount, subject to the satisfaction of the learned Judicial Magistrate, 1st Class, Kishanganj, in connection with Pothia Police Station Case No. 247 of 2014.

This direction for bail is further subject to the condition that the accused above-named 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 from disclosing such facts to the Court or to any police officer or tamper with the evidence and shall appear, in the learned Court below, as may be directed.

In terms of the above observations and directions, this bail application shall stand disposed of.

(I.A. Ansari, ACJ)

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