

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48064 of 2015

Arising Out of PS.Case No. -85 Year- 2014 Thana -MAHESI District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. Surendra Rai son of Sahdeo Rai, resident of Village- Amawa Bara, P.S.- Mehshi, District- East Champaran.
 2. Lal Babu Rai son of Ramesh Rai, resident of Village- Chintawanpur, P.S.- Mehshi, District- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma, Advocate

For the Opposite Party/s : Mr. M.Rub(APP)

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
ORAL ORDER

2 10-11-2015

This is an application, made under Section 439 of the Code of Criminal Procedure, seeking bail for the accused-petitioners, namely, Surendra Rai and Lal Babu Rai, in connection with Mehshi Police Station Case No. 85 of 2014, under Sections 366/376/342/379/34 of the Indian Penal Code.

Perused the above application and materials on record. It is submitted that petitioners have been in custody since 14.08.2015, First Information Report was lodged after about two months and there is also no explanation as to why the alleged victim did not sought for help when she, being major, was forcibly taken on motor cycle to Punjab.

Heard Mr. Umesh Chandra Verma, learned Counsel for the petitioners, and Mr. M. Rub, learned Additional Public Prosecutor, appearing on behalf of the State.

In view of the fact that the accused above-named have been in custody since 14.08.2015 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-petitioners in custody, and in view also of the fact that the perusal of the materials does not reveal that the accused-petitioners' 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/- each with two sureties, each of the like amount, subject to the satisfaction of Mr. R.K.-IV, the learned Judicial Magistrate, 1st Class, Sadar at Motihari, East Champaran, in connection with Mehshi Police Station Case No. 85 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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