

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14915 of 2015

Arising Out of PS.Case No. -396 Year- 2014 Thana -SIWAN MUFFASIL District- SIWAN

1. Mithilesh @ Dhan Kumar @ Mithlesh Kumar, Son of Shailesh Yadav, Resident of Village - Kandhwara, P.S. Siwan Muffasil, District - Siwan.
2. Nikhil Kumar Vishwah @ Mukhiya, Son of Shashi Bhushan Yadav, Resident of Village - Mandrauli, P.S. M.H. Nagar (Hasanpura), District - Siwan.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

With

Criminal Miscellaneous No.15369 of 2015

Arising Out of PS.Case No. -396 Year- 2014 Thana -SIWAN MUFFASIL District- SIWAN

1. Chandeshwar Yadav Son of Shri Lahaur Yadav
2. Rajesh Yadav Son of Shri chandeshwar Yadav
3. Ramesh yadav Son of Shri Chandeshwar Yadav All resident of Village- Kandhwara, P.s- Siwan Muffasil, District- Siwan

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

Appearance :

(In Cr.Misc. No.14915 of 2015)

For the Petitioner/s : Mr. Ajay Kumar Pandey

For the Opposite Party/s : Mr. Panchanand Pandit(App)

(In Cr.Misc. No.15369 of 2015)

For the Petitioner/s : Mr. Ravi Bhushan Verma

For the Opposite Party/s : Mr. Binod Kumar (App)

CORAM: HONOURABLE MR. JUSTICE I. A. ANSARI

ORAL ORDER

5 16-07-2015 This is an application, made under Section 438 of the Code of Criminal Procedure, seeking pre-arrest bail by the petitioners, namely, Mithilesh @ Dhan Kumar @ Mithlesh Kumar and Nikhil Kumar Vishwash @ Mukhiya (in Cr. Misc. No.14915 of 2015), and Chandeshwar Yadav, Rajesh Yadav and Ramesh Yadav (in Cr. Misc. No. 15369), in connection with Siwan

Mufassil Police Station Case No. 396 of 2014 under Sections 147/148/149/323/324/307/325/354(B)/380/384/386/504/506 of the Indian Penal Code.

Perused the above application and materials on record including a copy of the order, dated 12.02.2015, passed, in A.B.P. Nos. 2337 of 2014 and 2294 of 2014, by the learned Sessions Judge, Siwan, dismissing the said application for pre-arrest bail.

Heard Mr. Ajay Kumar Pandey, learned Counsel, appearing for the petitioners in Cr. Misc. No. 14915 of 2015, and Mr. Ravi Bhushan Verma, learned Counsel, appearing for the petitioners in Cr. Misc. No. 15369 of 2015. Heard also Mr. Panchanand Pandit and Mr. Binod Kumar, learned Additional Public Prosecutor, appearing on behalf of the State.

In view of the fact that perusal of 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, Siwan Muffasil Police Station, Siwan. 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, Siwan Muffasil Police Station, Siwan, 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, Siwan Muffasil Police Station, Siwan.

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

(I. A. Ansari, J)

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