

THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8418 of 2015

Arising Out of PS.Case No. -265 Year- 2014 Thana -MITHANPURA District- MUZAFFARPUR

1. Rishi Nath Das @ Gopal Ji Son of Late Radha Govind Das
2. Rani Das Wife of Rishi Nath Das @ Gopal Ji
3. Pankaj Kumar Das Son of Rishi Nath Das Gopal Ji
4. Sanjay Kumar @ Sanjay Shrivastava Son of Sri Krishna Chandra Prasad
All residents of Mohalla - Jai Prakash Path, Lane No. 13B, Shastri Nagar,
Kanhauri, Post office - Ramna, Police Station - Mithanpura, Town &
District - Patna

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioners : Mr. Shambhu Sharan Singh, Advocate
Mr. Basant Kumar Tripathy, Advocate
For the Opposite Party : Mr. Satyavrat Verma, APP

CORAM: HONOURABLE MR. JUSTICE I. A. ANSARI

ORAL ORDER

4 02-07-2015

This is an application, made under Section 438 of the Code of Criminal Procedure, seeking pre-arrest bail by the petitioners, namely, Rishi Nath Das @ Gopal Ji, Rani Das, Pankaj Kumar Das, and Sanjay Kumar @ Sanjay Shrivastava, in connection with Mithanpura Police Station Case No. 265 of 2014 under Section 302 read with Section 34 of the Indian Penal Code.

Perused the above application and materials on record including a copy of the order, dated 05.01.2015, passed, in A.B.P. No. 1868 of 2014, by the learned Sessions Judge, Muzaffarpur, dismissing the said application for pre-arrest bail.

Heard Mr. Shambhu Sharan Singh, learned Counsel for the petitioner, and Mr. Satyavrat Verma, learned Additional Public Prosecutor, appearing on behalf of the State.



Petitioner No.1 herein, namely, Rishi Nath Das @ Gopal Ji, had lodged First Information Report, which gave rise to Mithanpura Police Station Case No.205 of 2014, under Section 498A read with Section 34 of the Indian Penal Code, against Barun Kumar Das @ Barun Das (i.e., the informant of the present case) and his other family members for having allegedly subjected Smt. Preeti Das, daughter of petitioner Nos.1 and 2, and the wife of Barun Kumar Das @ Barun Das, to cruelty. Thereafter, Preeti Das, who had been staying at her parental house, committed suicide and though the petitioners claim to have informed the police about the occurrence, the son-in-law of petitioner Nos. 1 and 2, namely, Barun Kumar Das @ Barun Das, has filed a complaint case, which has given rise to the present case against the petitioners alleging that his wife, Preeti Das, has been done to death.

In view of 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, Mithanpura Police Station, Muzaffarpur. 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, Mithanpura Police Station, Muzaffarpur, 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, Mithanpura Police Station, District Muzaffarpur.

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

(I. A. Ansari, J)

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