

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41281 of 2014

Arising Out of PS.Case No. -164 Year- 2014 Thana -LAHERIASARAI District- DARBHANGA

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Prakash Mallik Son of Rameshwar Mallik @ Ramashanker Mallik
Resident of Mohalla - Chitragupta Nagar, P.S. Bahadurpur, District -
Darbhanga

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Sanjeev Kumar, Advocate

For the Opposite Party : Mr. Parmanand Pd., APP

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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 petitioner, namely, Prakash Mallik, in connection with Laheriasarai Police Station Case No. 164 of 2014 under Sections 147/148/149/307/504 of the Indian Penal Code and Section 27 of the Arms Act.

Perused the above application and materials on record including a copy of the order, dated 12.08.2014, passed, in A.B.P. No. 489 of 2014, by the learned Sessions Judge, Darbhanga, dismissing the said application for pre-arrest bail.

Heard Mr. Sanjeev Kumar, learned Counsel for the petitioner, and Mr. Parmanand Prasad, learned Additional Public Prosecutor, appearing on behalf of the State.

Perusal of record does not reveal any such

incriminating materials against the petitioner, which would warrant his custodial detention and interrogation. This apart, the copy of injury report, when read in the light of the accusations made against the petitioner, does not make out, at this stage, a case under Section 307 of the Indian Penal Code.

Situated thus, this Court is of the view that the petitioner has 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 petitioner above-named shall, in the event of his 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, Laheriasarai Police Station, Darbhanga. This direction for bail is further subject to the condition that the petitioner above-named shall, within two weeks from today, appear before the Officer-in-Charge, Laheriasarai Police Station, Darbhanga, and make himself 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, Laheriasarai Police Station, Darbhanga.

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

(I. A. Ansari, J)

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