

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44381 of 2014

Arising Out of PS.Case No. -102 Year- 2013 Thana -MEERGANJ District- GOPALGANJ

Sitaram Singh S/o - Late Bhagwati Singh R/V. - Jagdishpur Tola, Mahuwai,
P.S. - Nautan, P.O. - Jagdishpur, Kotihi Via Sahpur, Distt. - Siwan.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Ajay Mishra, Advocate

For the Opposite Party : Mr. Shantanu Kumar, APP

CORAM: HONOURABLE MR. JUSTICE I. A. ANSARI

ORAL ORDER

3 16-04-2015

This is an application, made under Section 438 of the Code of Criminal Procedure, seeking pre-arrest bail by the petitioner Sitaram Singh, in connection with Mirganj Police Station Case No. 102 of 2013 under Section 302/328 read with Section 34 of the Indian Penal Code.

Perused the above application and materials on record including a copy of the order, dated 28.08.2014, passed, in A.B.P. No. 1088 of 2014, by the learned Sessions Judge, Gopalganj, dismissing the said application for pre-arrest bail.

Heard Mr. Ajay Mishra, learned Counsel for the petitioner, and Mr. Shantanu Kumar, learned Additional Public Prosecutor, appearing on behalf of the State.

Considering the fact that the report of the viscera of the deceased Deendayal Singh @ Dan Singh does not reveal that



the death of the said deceased was due to administration of poison, it is not at this stage possible to hold that the death was *homicidal* in nature and perusal of the materials on record does not reveal any such incriminating materials against the petitioner, which would warrant his custodial detention and interrogation, 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 of the like amount, subject to the satisfaction of the Officer-in-Charge, Mirganj Police Station, District-Gopalganj. 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, Mirganj Police Station, District-Gopalganj, 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 him 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, Mirganj Police Station, District-Gopalganj.

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

(I. A. Ansari, J)

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