

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50977 of 2014

Arising Out of PS.Case No. -42 Year- 2014 Thana -DUMRIAGHAT District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. Jai Chandra Prasad Yadav @ Jai Chandra Yadav, Son of Late Anurag Yadav, Resident of Village - South Husaeni, P.S.- Dumariya Ghat, District - East Champaran.
 2. Muni Lal Yadav Son of Late Gaya Yadav, Resident of Village - Benipur, P.S.- Kesariya, District - East Champaran

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ramakant Yadav, Advocate.

For the Opposite Party/s : Mr. Gajendra Pd.Yadav(App)

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CORAM: HONOURABLE MR. JUSTICE I. A. ANSARI

ORAL ORDER

2 30-04-2015 This is an application, made under Section 438 of the Code of Criminal Procedure, seeking pre-arrest bail by the petitioners, namely, Jai Chandra Prasad @ Jaichandra Yadav and Muni Lal Yadav, in connection with Dumariya Ghat Police Station Case No. 42 of 2014 under Sections 376/379/511/34 and other minor sections of the Indian Penal Code.

Perused the above application and materials on record including a copy of the order, dated 05.11.2015, passed, in A.B.P. No. 137 of 2014/761 of 2014, by the learned Sessions Judge, East Champaran, Motihari, dismissing the said application for pre-arrest bail.

Heard Mr. Ramakant Yadav, learned Counsel for the petitioners, and Mr. Gajendra Prasad Yadav, 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.

It is submitted that the petitioners and husband of the prosecutrix were partners, some dispute arose among the partners in the distribution of profit and as a result thereof, the prosecutrix has falsely implicated the petitioners in this case.

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, Dumariya Ghat Police Station, East Champaran, Motihari. 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, Dumariya

Ghat Police Station, East Champaran, Motihari, 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, Dumariyaghat Police Station, East Champaran, Motihari.

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

(I. A. Ansari, J.)

Mkr./-

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