

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51043 of 2014

Arising Out of PS.Case No. -83 Year- 2014 Thana -BHORE District- GOPALGANJ

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1. Dhaneshwar Baitha, Son of Kishun Baitha, Resident of village-
Bhopatpura, P.O.+ P.S.- Bhore, District- Gopalganj

.... Petitioner/s

Versus

1. The State of Bihar
2. Ramjeet Baitha, Son of Ratan Baitha, Resident of village- Koreya
Dixit, P.O. + P.S.- Bhore, District- Gopalganj

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vikas Ratan Bharti, Advocate.

For the Opposite Party/s : Mr. Tapeswar Sharma (APP)

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CORAM: HONOURABLE MR. JUSTICE I. A. ANSARI
ORAL ORDER

4 14-05-2015

This is an application, made under Section 438 of the Code of Criminal Procedure, seeking pre-arrest bail by the petitioner, namely, Dhaneshwar Baitha, in connection with Bhore Police Station Case No. 83 of 2014 under Section 304/34 of the Indian Penal Code.

Perused the above application and materials on record including a copy of the order, dated 31.10.2014, passed, in A.B.P. No. 1592 of 2014, by the learned Sessions Judge, Gopalganj, dismissing the said application for pre-arrest bail.

Heard Mr. Vikas Ratan Bharti, learned Counsel for the petitioner, and Mr. Tapeswar Sharma, learned Additional Public Prosecutor, appearing on behalf of the State.



The petitioner herein did not live with accused and his wife, Sumitra Devi, whose death is the subject matter of enquiry. This apart, 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, each of the like amount, subject to the satisfaction of the Officer-in-Charge, Bhore Police Station, 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, Bhore Police Station, Gopalganj, 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 his/her 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, Bhore Police Station, Gopalganj.

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

(I. A. Ansari, J.)

Mkr./-

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