

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50923 of 2014

Arising out of Chapra Muffasil PS.Case No. -120 of 2013 Thana -
CHAPRA MUFFASIL, District- SARAN

- =====
1. Narayan Someshwar S/O Rajan Singh Resident of North Dahiyawan Tola ,Near water Tank,P.O-Chapra,P.S-Muffasil Thana,District-Saran
 2. Rajan Singh S/O Late Prithivi Singh Resident of North Dahiyawan Tola, Near water Tank,P.O-Chapra,P.S-Muffasil Thana,District-Saran

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nilanjan Chatterjee

For the Opposite Party/s : Mr. Rajiv Nayan(APP)

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CORAM: HONOURABLE MR. JUSTICE I. A. ANSARI

ORAL ORDER

3 07-05-2015

This is an application, made under Section 438 of the Code of Criminal Procedure, seeking pre-arrest bail by the petitioners, namely, Narayan Someshwar and Rajan Singh, in connection with Chapra Muffasil Police Station Case No. 120 of 2013 under Sections 306 and 120(B) of the Indian Penal Code.

Heard Mr. Nilanjan Chatterjee, learned counsel for the petitioner, and Mr. Rajiv Nayan, learned Additional Public Prosecutor, appearing on behalf of the State.

Perused the above application and materials on record including a copy of the order, dated 22.11.2014, passed, in A.B.P. No.1807 of 2014, by the learned Sessions Judge, Saran at Chapra, dismissing the said application for pre-arrest bail.



The order, dated 22.11.2014, indicates that the petitioner No.2, namely, Rajan Singh is the father of petitioner No.1, namely, Narayan Someshwar, who has been determined a juvenile by the Juvenile Justice Board.

In view of the above and in the interest of Justice, prayer for anticipatory bail, on behalf of petitioner No.1, namely, Narayan Someshwar, is not pressed at this stage.

As far as petitioner No.2, namely, Rajan Singh, is concerned, no specific material or circumstance incriminating has been mentioned, while rejecting the prayer for anticipatory of the petitioners.

Coupled with the above, perusal of the record does not reveal any such incriminating materials against the petitioners, which would warrant them 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 of the like amount, subject to the satisfaction

of the Officer-in-Charge, Chapra Muffasil Police Station, Chapra. 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, Chapra Muffasil Police Station, 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 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, Chapra Muffasil Police Station, District Saran at Chapra.

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

(I. A. Ansari, J.)

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