

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4939 of 2015

Arising Out of Wazirganj (Tankuppa OP) PS.Case No. -325 Year- 2014
Thana -WAJIRGANJ District- GAYA

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1. Shibu Yadav Son of Naurangi Yadav Resident of vill-Khalari,P.S-Tankuppa,Distt.-Gaya

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rashid Izhar

For the Opposite Party/s : Mr. Ambika Bhagat(Spl.P.P.)

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

3 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, Shibu Yadav in connection with Wazirganj (Tankuppa O P) Police Station Case No. 325 of 2014 under Section 376(g) of the Indian Penal Code and Section 3(i)(xi)2(v) of SC/ST Act.

Perused the above application, materials available in the case diary and materials on record including a copy of the order, dated 24.12.2014 passed, in A.B.P. No.2578 of 2014 by the learned Sessions Judge, Gaya, dismissing the said application for pre-arrest bail.

Heard Mr. Rashid Izhar, learned counsel for the petitioner, and Mr. Ambika Bhagat, learned Special Public Prosecutor, appearing on behalf of the State.



Considering the fact that upon completion of investigation, investigating agency submitted a police report under Section 172 of the Code of Criminal Procedure stating to the effect that there was no incriminating materials against the petitioner, but the learned Court below has taken cognizance of the offence aforementioned, this Court finds substance in the submission made on behalf of the petitioner at the admission stage, there is no further investigation pending, petitioner has not been able to make out a case.

In view of the fact that 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, Wazirganj (Tankuppa O P) Police Station, Gaya. 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, Wazirganj (Tankuppa O P) Police Station, 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, Wazirganj (Tankuppa OP) Police Station, District Gaya.

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

(I. A. Ansari, J)

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