

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50925 of 2014

Arising Out of PS.Case No. -1246 Year- 2013 Thana -SITAMARHI District- SITAMARHI

- =====
1. Mumtaj Nut S/O Kashim Nut, Resident of Village - Samhauli, P.S-Benipatti, District-Madhubani,
 2. Pyare Nut S/O Kashim Nut, Resident of Village - Saurbhar, P.S-Bela District-Sitamarhi

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pushpendra Kumar Singh

For the Opposite Party/s : Mr. P.N.Pandit(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, Mumtaj Nut and Pyare Nut, in connection with Sitamarhi Police Station Case No. 1246 of 2013 under Sections 307/380/354 and other minor sections of the Indian Penal Code.

Perused the above application and materials on record including a copy of the order, dated 25.11.2014, passed, in A.B.P. No. 1691 of 2014, by the learned Sessions Judge, Sitamarhi, dismissing the said application for pre-arrest bail and, order, dated 01.04.2014, passed in Cr. Misc. No. 5368 of 2014, by a Bench of this Court granting benefit of pre-arrest bail to the similarly

situated co-accused.

Heard Mr. Pushpendra Kumar Singh, learned Counsel for the petitioners, and Mr. P.N. Pandit, learned Additional Public Prosecutor, appearing on behalf of the State.

In view of the fact that perusal of the 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.

Considering the fact that similarly situated co-accused have been granted benefit of pre-arrest bail by a Bench of this Court by order, dated 01.04.2014, passed in Cr. Misc. No. 5368 of 2014 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 each, subject to the satisfaction of the Officer-in-Charge, Sitamarhi Police Station, District-Sitamarhi. 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, Sitamarhi Police Station, District-Sitamarhi, 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, Sitamarhi Police Station, District-Sitamarhi.

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

(I. A. Ansari, J.)

Mkr./-

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