

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39046 of 2014

Arising Out of PS.Case No. -102 Year- 2013 Thana -MEERGANJ District- GOPALGANJ

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1. Chhotey Baitha @ Chhotey Lal Baitha S/o Chandradeo Baitha
2. Lallan Baitha S/o Bachha Baitha
3. Uday Narayan Singh S/o Sitaram Singh
All are resident of Village - Mahuwai, P.S. Nautan, District - Siwan
..... Petitioners

Versus

The State of Bihar Opposite Party

Appearance :

For the Petitioners : Mr. Ajay Mishra, Advocate

For the Opposite Party : Mr. S.Dayal, APP

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CORAM: HONOURABLE MR. JUSTICE I. A. ANSARI

ORAL ORDER

2 16-04-2015 This is an application, made under Section 438 of the Code of Criminal Procedure, seeking pre-arrest bail by the petitioners, namely, Chhotey Baitha @ Chhotey Lal Baitha, Lallan Baiha and Uday Narayan Singh, in connection with Mirganj Police Station Case No. 102 of 2013 under Section 302/328 read with Section 34 of the Indian Penal Code.

Perused the above application and materials on record including a copy of the order, dated 28.08.2014, passed, in A.B.P. No. 1088 of 2014, by the learned Sessions Judge, Gopalganj, dismissing the said application for pre-arrest bail.

Heard Mr. Ajay Mishra, learned Counsel for the petitioner, and Mr. S. Dayal, learned Additional Public Prosecutor, appearing on behalf of the State.



Considering the fact that the report of the viscera of the deceased Deendayal Singh @ Dan Singh does not reveal that the death of the said deceased was due to administration of poison, it is not at this stage possible to hold that the death was *homicidal* in nature and perusal of the materials on 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, 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, Mirganj Police Station, District-Gopalganj. 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, Mirganj Police Station, District-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 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, Mirganj Police Station, District-Gopalganj.

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

(I. A. Ansari, J)

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