

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38757 of 2014

Arising Out of PS.Case No. -214 Year- 2014 Thana -GAYA MUFFSIL District- GAYA

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1. Ashok Mistry Son of Nanho Mistry resident of village- Budhgere, P.S.-
Mufassil, District- Gaya

.... Petitioner

Versus

1. The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Vinay Mistry

For the Opposite Party/s : Mr. Meena Singh(App)

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

3 20-01-2015

This is an application, made under Section 439 of the Code of Criminal Procedure, seeking bail for the accused-petitioner, namely, Ashok Mistry, in connection with Mofassil Police Station Case No. 214 of 2014, under Section 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

Perused the above application and materials on record.

Heard Mr. Vinay Mistry, learned counsel for the petitioner, and Ms. Meena Singh, learned Addl. Public Prosecutor, appearing on behalf of the State.

By order, dated 28.08.2014, the petitioner's bail application was rejected by the learned Additional Sessions Judge, Gaya, wherein it has been recorded that there is no eyewitness to the murder of the wife of the

informant. However, rejection of the bail application is on the ground that the accused-petitioner had allegedly threatened the wife of the informant by saying that he would kill her.

In view of the fact that the accused above-named has been in custody since 17.05.2014 in connection with the case aforementioned and perusal of the materials available does not reveal such incriminating materials, which would warrant further detention of the accused-petitioner in custody and in view also of the fact that the perusal of the materials available do not reveal that the accused-petitioner's liberty on bail would adversely affect in trial, it is hereby directed that the accused above-named shall be released on bail of Rs. 10,000/- with two sureties, each of the like amount, subject to the satisfaction of the learned Judicial Magistrate, Gaya.

In terms of the above directions, this bail application shall stand disposed of.

(I. A. Ansari, J.)

Mkr./-

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