

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14879 of 2015

Arising Out of PS.Case No. -20 Year- 2013 Thana -CHAKAI District- JAMUI

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Md. Jasim S/o Md. Abbas Resident of Village Nagri, Police Station Chakai,
District Jamui.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Binay Kumar, Advocate

For the Opposite Party : Mr. Arvind Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE I. A. ANSARI

ORAL ORDER

4 25-06-2015

This is an application, made under Section 438 of the Code of Criminal Procedure, seeking pre-arrest bail by the petitioner, namely, Md. Jasim, in connection with Chakai Police Station Case No. 20 of 2013 under Section 304B read with Section 34 of the Indian Penal Code.

Perused the above application and materials on record including a copy of the order, dated 12.02.2015, passed, in A.B.P. No. 48 of 2015, by the learned Sessions Judge, Jamui, dismissing the said application for pre-arrest bail.

Heard Mr. Binay Kumar, learned Counsel for the petitioner, and Mr. Arvind Kumar Pandey, learned Additional Public Prosecutor, appearing on behalf of the State.

In view of the fact that other co-accused, named in the First Information Report, have been granted pre-arrest bail by



order, dated 20.10.2014, passed in Cr. Misc. No. 530 of 2014, by a Bench of this Court on the ground that, “.... *the complainant/informant had initially stated before the police the very next day after the death of her daughter that her daughter had slipped and fallen from the terrace. The present complaint subsequently converted into F.I.R. is, thus, clearly an afterthought, which in turn is also general and omnibus in its accusations. No overt act has been attributed to any of the petitioners.*” and perusal of the 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, each of the like amount, subject to the satisfaction of the Officer-in-Charge, Chakai Police Station, Jamui. 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, Chakai Police Station,

Jamui, 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 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, Chakai Police Station, Jamui.

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

(I. A. Ansari, J)

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