

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14693 of 2015

Arising Out of Gaurichak PS.Case No. -170 Year- 2014 Thana -
GAURICHAK District- PATNA

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1. Abhay Kumar Singh @ Abhay Singh S/o Late Mithila Singh, Resident of
Village Daulatpur Dih, Police Station Gauri Chak, District Patna.

.... Petitioner

Versus

1. The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Bindhyachal Singh, Advocate
and

Mr. Vipin Kumar Singh

For the Opposite Party : Mr. Ashok Kumar, APP

For the informant : Mr. Ramakant Singh

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CORAM: HONOURABLE MR. JUSTICE I. A. ANSARI

ORAL ORDER

3 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, Abhay Kumar Singh @ Abhay Singh, in
connection with Gauri Chak Police Station Case No. 170 of 2014
under Sections 147/148/149/341/323/324/302 of the Indian Penal
Code.

Perused the above application and materials on record
including a copy of the order, dated 02.03.2015, passed, in A.B.P.
No.21461 of 2014, by the learned Additional Sessions Judge, II,
Patna, dismissing the said application for pre-arrest bail.

Heard Mr. Bindhyachal Singh, learned counsel for the

petitioner, and Mr. Ashok Kumar, learned Additional Public Prosecutor, appearing on behalf of the State. Also heard Mr. Ramakant Singh, learned counsel for the informant.

Petitioner's name was mentioned in the First Information Report as one of the persons, who had killed Rahul Kumar, son of the informant. However, the statement of the daughter of the petitioner, recorded under section 164 of the Code of Criminal Procedure, indicates that though she supported the prosecution's case, she has not named her father as assailant; rather, she has named her brothers as persons involved in the killing of the informant's son. While, thus, mentioning the names of the assailants, she did not mention the name of the petitioner as one of the assailants.

In the light of the above statement of the victim girl, prayer for bail of the petitioner's two sons, namely, Govind Kumar and Raushan Kumar, has already been rejected by order, dated 03.03.2015, passed in Cr. Misc. No. 46237 of 2014.

On considering the matter in its entirety, this Court is of the view that it would subserve the ends of justice if the petitioner is granted pre-arrest bail.

It is, therefore, in the interest of justice, 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, Gaurichak Police Station, Patna. 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, Gaurichak 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, Gaurichak Police Station, District Patna.

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

(I. A. Ansari, J)

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