

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5455 of 2015

Arising Out of PS.Case No. -327 Year- 2014 Thana -NATHNAGAR District- BHAGALPUR

- =====
1. Sadho Yadav @ Sahdeo Yadav son of Late Banarsi Yadav
 2. Lallu Yadav Son of Late Ramdeo Yadav
 3. Vikram Yadav son of Late Ramdeo Yadav All resident of village / Mohalla - Miyan Bari, Sahabgunj, P.S. Kotwali (University), District - Bhagalpur

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

With

Criminal Miscellaneous No.16857 of 2015

Arising Out of PS.Case No. -327 Year- 2014 Thana -NATHNAGAR District- BHAGALPUR

- =====
1. Birju Yadav Son of Nand Kishor Yadav
 2. Dinesh Yadav Son of Nand Kishor Yadav Both are the resident of village / Mohalla - Miyan Bari, Sahabgaunj, P.S. University, District - Bhagalpur

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

Appearance :

(In Cr.Misc. No.5455 of 2015)

For the Petitioners : Mr. Swapnil Kumar Singh, Advocate

For the Opposite Party : Mrs. Veena Rani Prasad, APP

(In Cr.Misc. No.16857 of 2015)

For the Petitioners : Mr. Swapnil Kumar Singh, Advocate

For the Opposite Party : Dr. M. K. Gauram, APP

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CORAM: HONOURABLE MR. JUSTICE I. A. ANSARI

ORAL ORDER

4 02-07-2015

This is an application, made under Section 438 of the Code of Criminal Procedure, seeking pre-arrest bail by the petitioners, namely, Sadho Yadav @ Sahdeo Yadav, Lallu Yadav and Vikram Yadav (in Cr. Misc. No. 5455 of 2015) and, Birju Ydav and Dinesh Yadav (in Cr. Misc. No. 16857 of 2015), in connection with Nathnagar (Lalmatiya) Police Station Case No.

327 of 2014 under Section 307 read with Section 34 of the Indian Penal Code.

Perused the above application and materials on record including a copy of the order, dated 09.01.2015, passed, in A.B.P. No. 53 of 2015, by the learned Sessions Judge, Bhagalpur, dismissing the said application for pre-arrest bail.

Heard Mr. Swapnil Kumar Singh, learned Counsel for the petitioners. Heard also Mrs. Veena Rani Prasad, learned Additional Public Prosecutor, appearing on behalf of the State in Cr. Misc. No. 5455 of 2015 and, Dr. M. K. Gautam, learned Additional Public Prosecutor, appearing on behalf of the State in Cr. Misc. No.16857 of 2015.

In view of the fact that perusal of 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, Nathnagar (Lalmatiya) Police Station, Bhagalpur. 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, Nathnagar (Lalmatiya) Police Station, Bhagalpur, 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, Nathnagar (Lalmatiya) Police Station, Bhagalpur.

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

(I. A. Ansari, J)

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