

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25197 of 2015

Arising Out of PS.Case No. -80 Year- 2015 Thana -BUXAR INDUSTRIAL District- BUXAR

=====

Bishram Dwedi S/o Late Byash Dwedi R/o Village Dashiaon, P.S. Nawanagar, District Buxar, Bihar, at present residing at Buxar Industrial Area, P.S. Buxar Industrial Area, District Buxar, Proprietor of Shivam Food Products, Industrial Area, Buxar.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

=====

Appearance :

For the Petitioner : Mr. Surendra Kumar Singh, Advocate
Mrs. Sudha Chandra, Advocate

For the Opposite Party : Mr. Dr. Kumar Uday Pratap, APP

=====

CORAM: HONOURABLE MR. JUSTICE I. A. ANSARI

ORAL ORDER

2 08-07-2015

This is an application, made under Section 438 of the Code of Criminal Procedure, seeking pre-arrest bail by the petitioners, namely, Bishram Dwedi, in connection with Buxar (Industrial) Police Station Case No. 80 of 2015 under Section 406/420/120B read with Section 34 of the Indian Penal Code.

Perused the above application and materials on record including a copy of the order, dated 28.04.2015, passed, in A.B.P. No. 390 of 2015, by the learned Sessions Judge, Buxar, dismissing the said application for pre-arrest bail and, order, dated 20.04.2015, passed by a Bench of this Court in Cr. Misc. No. 44588 of 2014 and order, dated 20.03.2015, passed in Cr. Misc. No. 43286 of 2014.

Heard Mr. Surendra Kumar Singh, learned Counsel

for the petitioners, and Dr. Kumar Uday Pratap, learned Additional Public Prosecutor, appearing on behalf of the State.

In view of the fact that perusal of 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 the fact that similarly situated co-accused have been granted the benefit of pre-arrest bail by a Bench of this Court by order, dated 20.04.2015, passed by a Bench of this Court in Cr. Misc. No. 44588 of 2014 and order, dated 20.03.2015, passed in Cr. Misc. No. 43286 of 2014, 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 of the like amount, subject to the satisfaction of the Officer-in-Charge, Buxar (Industrial) Police Station, District-Buxar. 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, Buxar (Industrial) Police Station, District-Buxar, 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, Buxar (Industrial) Police Station, District-Buxar.

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

(I. A. Ansari, J)

Pawan/-

U		T	
---	--	---	--