

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39038 of 2014

Arising Out of PS.Case No. -271 Year- 2014 Thana -KHAGARIA District- KHAGARIA

1. Lalan Yadav, S/o Babaji Yadav
2. British Yadav, S/o Babaji Sah
Both are R/o Mohalla-Baluahi, Ward No.24, P.S. +District-
Khagaria

.... Petitioners

Versus

The State of Bihar Opposite Party

Appearance :

For the Petitioners : Mr. Rajesh Kumar, Advocate
For the Opposite Party : Mr. Parmanand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE I. A. ANSARI

ORAL ORDER

2 16-04-2015

This is an application, made under Section 438 of the Code of Criminal Procedure, seeking pre-arrest bail by the petitioners, namely, Lalan Yadav and British Yadav, in connection with Khagaria Police Station Case No. 271 of 2014 under Section 341/342/323/325/307/504 read with Section 34 of the Indian Penal Code.

Perused the above application and materials on record including a copy of the order, dated 14.08.2014, passed, in A.B.P. No. 248 of 2014, by the learned Sessions Judge, Khagaria, dismissing the said application for pre-arrest bail.

Heard Mr. Rajesh Kumar, learned Counsel for the petitioner, and Mr. Parmanand Kumar, learned Additional Public Prosecutor, appearing on behalf of the State.



Considering the fact that the petitioners are alleged to have been armed with pistol, it was by butt of the pistol that the victim was allegedly assaulted, and perusal of the materials on 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, Khagaria Police Station, District-Khagaria. 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, Khagaria Police Station, District- Khagaria, 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, Khagaria Police Station, District- Khagaria.

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

(I. A. Ansari, J)

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