

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40232 of 2014

Arising Out of Rajepur PS.Case No. 62 of 2010 Thana -RAJEPUR District-
EASTCHAMPARAN(MOTIHARI)

Jailal Bhagat, son of Shri Ganesh Bhagat, r/o Madhuahan Vrit, P.S.
Rajepur, Dist. East Champaran

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hari Kishore Thakur

For the Opposite Party/s : Mr. Dr.Indiwar Kumari(APP)

CORAM: HONOURABLE MR. JUSTICE I. A. ANSARI

ORAL ORDER

2 10-04-2015 This is an application, made under Section 438 of the Code of Criminal Procedure, seeking pre-arrest bail by the petitioner, namely, Jailal Bhagat, in connection with Rajepur Police Station Case No. 62 of 2010 under Sections 363/370/34 of the Indian Penal Code.

Perused the above application and materials on record including a copy of the order, dated 28.11.2012, passed in A.B.P. No.2710 of 2012, by the learned Sessions Judge, Motihari, dismissing the said application for pre-arrest bail.

Heard Mr. Hari Kishore Thakur, learned counsel for the petitioner, and Mr. Dr. I.Kumari, learned Additional Public Prosecutor, appearing on behalf of the State.

In view of the fact that perusal of the materials on



record does not reveal any such incriminating materials against the petitioner, particularly, the fact that the alleged victim boy has already been recovered and his statement, recorded under section 164 of the Code of Criminal Procedure does not reveal any such material, 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/surrender 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, Rajepur Police Station, East Champaran, Motihari. 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, East Champaran, Motihari 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, Rajepur Police Station, District East Champaran, Motihari.

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

(I. A. Ansari, J)

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