

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44638 of 2016

Arising Out of PS.Case No. -3 Year- 2016 Thana -FATEHPUR District- KISANGANJ

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1. Samsad Alam @ Samshad Alam Son of Late Jamaluddin Resident of Village- Fulwari, Baritola, P.S.- Terhagachh, District- Kishanganj.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Rajesh Kumar Pandey S/o Late Jagdish Pandey Resident of Village- Kalakhari, P.S.- Matigara, District- Dargiling (West Bengal) at present A.S.I. S.S.B., 28th Company Araria Bihar Bairia B.O.P.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sarangdhar Jha, Advocate
For the Opposite Party/s : Mr. S.D. Sanjay (Addl. S. G.)

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CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL ORDER

2 06-10-2016 This is an application, made under Section 439 of the Code of Criminal Procedure, seeking bail for the accused-petitioner, namely, Samsad Alam @ Samshad Alam, in connection with Fatehpur Police Station Case No. 3 of 2016, under Section 272 of the Indian Penal Code and Section 47(a) of the Bihar Excise (Amendment) Act, 2016.

Perused the above application and materials on record.

Heard Mr. Sarangdhar Jha, learned Counsel for the petitioner, and Mr. S.D. Sanjay, learned Additional Solicitor General, appearing on behalf of the Union of India.

In view of the fact that the accused above-named has been in custody since 22.07.2016 in connection with the case

aforementioned and perusal of the materials available does not reveal such incriminating materials, which would warrant further detention of the accused-petitioner in custody, and in view also of the fact that the perusal of the materials does not reveal that the accused-petitioner's liberty on bail would adversely affect his trial, it is, in the interest of justice, hereby directed that the accused above-named shall be released on bail of Rs. 10,000/- with two sureties, each of the like amount, subject to the satisfaction of Mr. K.K. Chaudhary, learned Judicial Magistrate, 1st Class, Kishanganj, in connection with Fatehpur Police Station Case No. 3 of 2016.

This direction for bail is further subject to the condition that the accused above-named 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 or tamper with the evidence and shall appear, in the learned Court below, as may be directed.

In terms of the above observations and directions, this bail application shall stand disposed of.

(I.A. Ansari,CJ)

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