

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.41470 of 2016

Arising Out of PS.Case No. -143 Year- 2014 Thana -PAKRIBARAWAN District- NAWADA

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Garib Yadav, son of late Nakat Yadav, resident of village- Jhanjhri Police
Station- Chandradeep , District Jamui.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Pramod Kumar, Advocate.

For the State : Mr. Pranav Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 05-10-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

It is a case of triple murder. The prayer for grant of
pre-arrest bail of the petitioner was earlier rejected by this Court
vide order dated 26.8.2015 passed in Cr. Misc. 6925 of 2015.

The petitioner has renewed his application for grant
of pre-arrest bail on the ground that one Satish Yadav @ Satish
Kumar, a co-accused named in the First Information Report, has
been granted anticipatory bail by a Bench of this Court vide order
dated 18.5.2016 passed in Cr. Misc. 10142 of 2016.

It is submitted that the case of the petitioner stands on

identical footing to the order of co-accused Satish Yadav @ Satish Kumar. A web copy of the order has been produced before this Court at the time of argument. Let the same be kept on the record.

On the other hand, learned counsel for the State has vehemently opposed the application preferred under Section 438 of the Code of Criminal Procedure. He has submitted that the petitioner's application for grant of pre-arrest bail was rejected earlier by this Court was never brought to the notice of the Court, at the time of hearing of the pre-arrest bail application of co-accused Satish Yadav @ Satish Kumar. He has further contended that the offence is quite serious and even custodial interrogation of the petitioner may be required.

I have heard learned counsel for the parties and perused the order dated 18.5.2016 passed in Cr. Misc. 10142 of 2016.

I regret, I am unable to persuade myself to agree with the view taken by the co-ordinate Bench of this Court while passing the order on 18th May 2016 in Cr. Misc. 10142 of 2015 taking into consideration the magnitude of the offence and the allegation made against the petitioner in the First Information Report. Learned counsel for the State is right in his submission that in a case of triple murder in order to unearth the crime, the

Police may require custodial interrogation of the named accused, and in such cases, an application for grant of pre-arrest bail should not be allowed.

Accordingly, the application is dismissed.

(Ashwani Kumar Singh, J)

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