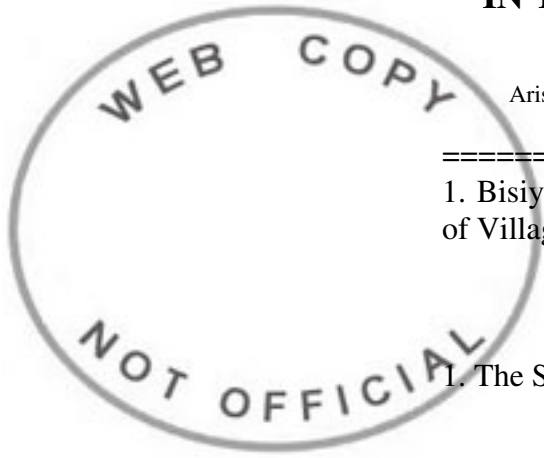




IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44266 of 2016

Arising Out of PS.Case No. -38 Year- 2016 Thana -BHAGALPUR GRP CASE District-
BHAGALPUR

=====

1. Bisiya @ Prabhudayal Mahaldar, Son of Late Bihari Mahaldar Resident
of Village-Lailakh, P.S. Sabour, Distt. Bhagalpur

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Jha, Adv.

For the Opposite Party/s : Mr. Kalyan Shankar, APP.

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CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL ORDER

2 05-10-2016 This is an application, made under Section 439 of

the Code of Criminal Procedure, seeking bail for the accused-

petitioner, namely, Bisiya @ Prabhudayal Mahaldar, in

connection with Bhagalpur Rail Police Station Case No. 38 of

2016, under Section 379 of the Indian Penal Code.

Perused the above application and materials on

record.

Heard Mr. Ranjan Kumar Jha, learned Counsel for

the petitioner, and Mr. Kalyan Shankar, learned Additional

Public Prosecutor, appearing on behalf of the State.

In view of the fact that the accused above-named has

been in custody since 28.07.2016 in connection with the case



aforementioned and though *charge sheet* has been submitted, trial has not yet commenced and similarly situated co-accused has been granted bail by a Bench of this Court by the order, dated 18.08.2016, passed in Cr. Misc. No.32854 of 2016, 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 the learned Railway Judicial Magistrate, Bhagalpur, in connection with Bhagalpur Rail Police Station Case No. 38 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)

K.C.jha/-

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