

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44644 of 2016

Arising Out of Falka (Pothia) PS.Case No. -126 of 2016 Thana -
FALKA District- KATIHAR

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1. Md. Mumtaz @ Timha Miyan, son of Md. Jahur @ Lakku Miyan,
Resident of Village- Dira Chandpur, Police Station- Falka (Pothia), District-
Katihar. Petitioner/s

Versus

1. The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajendra Prasad Sah

For the Opposite Party/s : Mr. Ram Sumiran Roy

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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, Md. Mumtaz @ Timha Miyan, in connection
with Falka (Pothia) Police Station Case No. 126 of 2016, under
Sections 376/354/354A of the Indian Penal Code.

Perused the above application and materials on
record.

Heard Mr. R.P.Sah, learned Counsel for the
petitioner, and Mr. R.M.Roy, 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 24.07.2016 in connection with the case
aforementioned and though *charge sheet* has been submitted, trial
has not yet commenced 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 the learned Additional Chief Judicial Magistrate, V, Katihar, in connection with Falka (Pothia) Police Station Case No. 126 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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