

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.9092 of 2017

Arising Out of PS.Case No. -363 Year- 2016 Thana -GIRIYAK District- NALANDA
(BIHARSHARIFF)

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Baidya Ram Deo Prasad @ Ram Deo Sao, Son of Late Prabhu Sao,
Resident of Village- Ahiyachak, Police Station Katerisari, District-
Nalanda. Petitioner

Versus

The State of Bihar. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Rabindra Prasad Singh, Advocate

For the Opposite Party/s : Mr. Sri Parmeshwar Mehta, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

2 09-03-2017 Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner, apprehending his arrest in connection
with Giriyak (Katarisarai) P.S. Case No. 363 of 2016 registered
for the offences punishable under Sections 467, 468, 471, 420,
120B of the Indian Penal Code, Sections 66 I.T. Act, Sections
18(A), (B) , 18 (C) , 27(C) , 28(A), 27(B) II, 33 EEC (B), 33(1) of
Drugs and Cosmetic Act and sections 3,4, 5, 7,,9 (A) of Magic
Remedies Act, seeks the privilege of pre-arrest bail.

Allegedly, from the house of the petitioner, one
register, two dozen ring, 5 pieces Tabiz and 50 pieces wooden box
wrapped with brown colour paper were recovered.

Submission is of false implication and that no any
incriminating article has been recovered to attract the provisions of



the aforesaid Act. He was not indulged in any type of cheating. There is no allegation of any specific overt act against the petitioner and in this case other co-accused persons have been allowed pre-arrest bail. Co-accused Nand Kishroe Prasad has been allowed pre-arrest bail vide Criminal Miscellaneous No. 3169 of 2017 by another coordinate Bench and further Babu Lal Mistri has been allowed pre-arrest bail vide Criminal Miscellaneous No. 7720 of 2017 by this Court and, as such, the petitioner also deserves sympathetic consideration.

The learned A.P.P. opposes the prayer of pre-arrest bail.

In the facts and circumstances as stated above, the petitioner, in case of his arrest or surrender within four weeks from the date of receipt/production of the copy of this order, shall be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Nalanda at Bihar Sharif in connection with Giriyak (Katarisarai) P.S. Case No. 363 of 2016, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Jitendra Mohan Sharma, J)

Vats/-

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