

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28838 of 2015

Arising Out of PS.Case No. -160 Year- 2013 Thana -AADAPUR District-
EASTCHAMPARAN(MOTIHARI)

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1. Balister Mukhiya son of Yogendra Mukhiya resident of village -
Harkatwa, P.S. - Adapur, Dist - East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar

For the Opposite Party/s : Mr. U.S.P.Singh(App)

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CORAM: HONOURABLE SHRI JUSTICE DHARNIDHAR JHA
ORAL ORDER

2 05-08-2015

Heard.

The petitioner is named in the FIR of Adapur P.S.Case No.160 of 2013 which was registered under various Sections of the Indian Penal Code as also under Section 307 of the Penal Code. The learned 8th Additional Sessions Judge, East Champaran, Motihari has very well noted his order of rejection that the present petitioner along with other accused persons assaulted Anita Devi with *lathi, farsa* and had also taken away properties from her house and in spite of having recorded omnibus allegation, had gone on to reject the prayer for bail of the petitioner.

This Court does not appreciate the order of rejection passed by the above court which was against recognized principles of granting bail. The Court is of the opinion that the Officer does

not have even the time to consider the very first line of Section 437 Cr.P.C. which mandates granting bail to an accused who is in custody unless there were 'reasons to believe' that he had committed an offence punishable either by death or imprisonment for life. The Court is not happy on the approach of the learned Judge who had passed the rejection order and feels that he should sharpen his tools as regards the principles on granting bail by sticking up to the provisions of law by appropriately appreciating it.

Let the above named petitioner be released on bail on furnishing bail bond of Rs.3,000/- (three thousand) with two sureties of the like amount each to the satisfaction of SDJM, Raxaul at Champaran in the above noted case.

(Dharnidhar Jha, J)

Brajesh/Saif/-

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