

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49499 of 2014

Arising Out of PS.Case No. -1613 Year- 2013 Thana -COMPLAINT CASE District- JAMUI

=====

1. Md. Jubaid Sah @ Md. Javed @ Md. Jubair S/O Md.Abbas
2. Md. Soib Alam @ Soib @ Kara S/O Md. Jubed
3. Md. Arman @ Md. Arman Sah S/O Md. Ajij All are resident of Village -
Islamnagar, P.S- Chandradeep, District- Jamui

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Sinha

For the Opposite Party/s : Mr. L.K. Sharma (App)

=====

CORAM: HONOURABLE SHRI JUSTICE DHARNIDHAR JHA
ORAL ORDER

4 02-07-2015 Heard.

The petitioners appear ignoring the direction of the learned Sessions Judge, Jamui in ABP No.953 of 2014 to appear before the court below and pray for regular bail which was directed to be considered without any prejudice towards the petitioners. The same direction is issued to the petitioners by this Court also.

Let the court below consider that it was a petition of complaint upon which the petitioners have been summoned and Section 88 of the Cr.P.C. recites that some one being summoned to appear before a Court has to be admitted to bail. Besides that provision the Court has to consider the general allegations

appearing against the accused persons including the above named petitioners and those allegations could not be enough to fasten individual responsibilities and liabilities. The Court further draws the attention of the court below to first line of Section 437 Cr.P.C. which directs the court that an accused who has surrendered himself to the custody of the Court to be necessarily released on bail unless there are reasons to believe that he had committed an offence permissible either by death or imprisonment for life. I could not find out any fact which could deter the Magistrate who could be handling the petition for bail of the petitioners under Section 437 Cr.P.C. which is the only guiding provision of a Magistrate or a Court for entertaining regular bail petitions. The Court is of the opinion that if the present could not be the fittest case for being granted bail, then there could be none.

With the above directions and observations, this petition stands disposed of.

(Dharnidhar Jha, J)

B.Kr./-Saif

U		T	
---	--	---	--