

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47839 of 2014

Arising Out of PS.Case No. -323 Year- 2014 Thana -CIVIL LINE District- GAYA

1. Subodh Pandey Son of Late Bakunth Thakur resident of Mohalla-
Vishunu Nagari Colony, Police Station- Civil Line, District- Gaya

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar No.- 4

For the Opposite Party/s : Mr. Braj Kishore Pd.(App)

CORAM: HONOURABLE SHRI JUSTICE DHARNIDHAR JHA
ORAL ORDER

2 03-03-2015 No one has appeared on behalf of the petitioner. I have
heard Sri Parmeshwar Mehta, learned Additional Public
Prosecutor on behalf of the State.

The petitioner being named in the FIR was suspected to
have committed the offence. The learned trial Judge who
dismissed the prayer for bail of the petitioner also was of the view
that it was true that the petitioner had been named in the FIR only
on the basis of strong suspicion against him but went on to reject
the prayer of the petitioner merely because chargesheet had been
submitted against him.

After considering the provision of Section 437 Cr.P.C no
one could find, as noted by rejection order that such could be the
grounds for refusing the prayer for bail rather the provision



indicates that in a case of further inquiry even if there are substantial materials reasonably to show to the Court to its belief that the accused might have committed the offence punishable either with death or imprisonment for life, such an accused has to be released on bail. It would have been advisable for the learned Judge to consider that merely being suspected of committing an offence without there being any motive may not be sufficient to reasonably believe, as appears from the provisions of Section 437 Cr.P.C., that the petitioner had committed an offence punishable either with death or imprisonment for life. The High Court is not the Court which has to be vested with the original jurisdiction. Such jurisdictions, lie, firstly, with the Magistrate who ought to have admitted this petitioner to bail and secondly, with the Court of Sessions and the Officers who man such Courts to consider granting bail to such an accused. The present appears to be an example of poor appreciation by a Judge as regards the provisions of law and the facts of the case.

Let the order be placed before the Hon'ble the Inspecting Judge of Gaya Judgeship for evaluation as regards the order of bail passed by the learned Additional Sessions Judge-Ist, Gaya in B.P.No.198 of 2014 dated 20.09.2014.

As regards the prayer, let the above named petitioner be

released on bail on furnishing bond of Rs.7,000/-(seven thousand)
with two sureties of the like amount each to the satisfaction of
CJM, Gaya in Civil Lines P.S.Case No.323 of 2014

(Dharnidhar Jha, J)

B.Kr./-

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