

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17270 of 2015

Arising Out of PS.Case No. -2 Year- 2015 Thana -JAMALPUR District- DARBHANGA

- =====
1. Suresh Ray Son of Kapil Ray.
 2. Shankar Yadav Son of Yadu Yadav.
 3. Mukesh Yadav Son of Shankar Yadav.
 4. Sonu Kumar Ray Son of Dayanand Ray, All are residents of village-Narkatiya, P.S.- Jamalpur, District- Darbhanga.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Girish Chandra Jha

For the Opposite Party/s : Mr. Ram Shankar Das(Spl.P.P.)

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CORAM: HONOURABLE SHRI JUSTICE DHARNIDHAR JHA
ORAL ORDER

2 30-07-2015

Heard.

Let the petitioners surrender and pray for regular bail before the Court of the learned Judicial Magistrate, 1st Class, Biroul in connection with Jamalpur P.S. Case No. 02 of 2015. Let the court below consider the individual allegations appearing in the First Information Report without letting it be influenced by the mere insertion of a particular section of the Indian Penal Code or of the any special Act, like, the Scheduled Castes/Scheduled Tribes (Prevention of Atrocities) Act. Prayers for bail are judged merely by looking to the individual allegations and as may appear from the provisions of Section 437 Cr.P.C., it is a rule that accused persons should be admitted to bail unless the court has 'reason to believe' that the accused

had committed an offence which could be punishable either with death or imprisonment for life. That 'reason to belief' could be gathered from the material facts collected by the police in the case diary and definitely ascertaining the direct participation of an accused in giving the fatal blow in a case under Section 302 of the Indian Penal Code or a blow which could be bringing the act within the purview of Section 307 of the Indian Penal Code or any other provision of the Indian Penal Code. Besides, courts are also required to consider other attending circumstances of the case, like, the nature of the injuries which could have resulted by the blow and must also consider the defence of the accused and the reason for false implication.

This Court trusts that the court which is likely to handle the prayer for bail of the petitioners when they had surrendered before it, appreciates the observations of this Court and acts accordingly.

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

(Dharnidhar Jha, J.)

Sanjay/-

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