

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 28002 of 2015

Arising out of PS.Case No. -60 Year- 2015 Thana -DHARHARA District- MUNGER

- =====
1. Shyam Sundar Singh, S/o Late Ramdeo Singh
 2. Prince Kumar @ Ugan Kumar, S/o Shyam Sundar Singh, Both Resident of Village Matadih Bikrampur, Police Station Dharahara, District Munger

.... Petitioners

Versus

1. The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Ram Sevak Choudhary

For the Opposite Party : Mr. Mustaque Alam(App)

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CORAM: HONOURABLE SHRI JUSTICE DHARNIDHAR JHA
ORAL ORDER

2 22-07-2015

Heard.

Let the petitioners surrender before the learned Judicial Magistrate, 1st Class, Munger in Dharhara P. S. Case No. 60 of 2015 and pray for regular bail which shall be considered strictly on the merits of the allegations. It is found that regular petitions for bail either on surrender of the accused before the court below or on account of his being remanded to custody are often rejected merely looking to the Section of the offence. Such type of order is in conflagration of the provisions of Section 437 Cr.P.C., the first line of which mandates that bail has to be granted in all cases of non-bailable offences unless the Court has the reason to believe that the accused had committed an offence which could be punishable either with death or with imprisonment for life. In

order to satisfying as to whether there was reason to believe so as to refusing the prayer for bail, the Court must not only assign reasons but the reasons must be assigned from the material facts of the case and not merely by referring to the Section of the offence or offences and then noting that those were serious offences.

This Court trusts that the present order communicates the true message to the learned Magistrate who hears the petition for bail of the petitioners in the above noted case which is pending before Judicial Magistrate, 1st Class-cum-Munsif-III, Munger and the learned Magistrate appreciates the weight of the observations and acts accordingly.

With the above observation, this petition stands disposed of.

(Dharnidhar Jha, J)

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