

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10347 of 2015

Arising Out of PS.Case No. -14 Year- 2015 Thana -CHAINPUR District- BHABHUA (KAIMUR)

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1. Chhabi Ram Son of Late Ganesh Ram
 2. Bideshi Ram son of late Ganesh Ram
 3. Subash Ram Son of Chhabi Ram
 4. Ramashray Ram Son of Chhabi Ram
 5. Mahendra Ram Son of Purnwashi Ram
 6. Guddu Ram Son of Purnwashi Ram
 7. Ful Kumar Ram Son of Purnwashi Ram
 8. Indradev Ram Son of Devaki Ram
 9. Awadesh Ram Son of Dewaki Ram all resident of Village Barhona, p.s Chainpur, District Kaimur at Bhabua,.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan

For the Opposite Party/s : Mr. Umesh Lal Verma (App)

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CORAM: HONOURABLE SHRI JUSTICE DHARNIDHAR JHA
ORAL ORDER

4 13-05-2015 Heard.

The case has been registered under all bailable Sections except Section 307 Indian Penal Code.

As per the contention itself as also from the facts of the case, number of accused persons being 14 the allegations are general and omnibus.

In my opinion, it could be the best case to be handled by the Magistrate of Ist Class who is vested with the jurisdiction of hearing the matters of bail in respect of Chainpur P.S.Case No.14 of 2015 pending in the Court of CJM, Kaimur at Bhabhua.

Let the above named petitioners surrender and pray for regular bail.

The learned Magistrate shall keep in his mind that prayers for bail are considered taking into account the individual allegations which appear against the accused persons and the defence if it is placed before the Court. Mere Section of an offence or the nature of the legislation could never be germane for refusing the prayer for bail.

Let the learned Magistrate apply his jurisdiction under Section 437 Cr.P.C. which prohibits granting bail only when there are reasonable grounds to believe that the accused had committed an offence punishable either with death or imprisonment for life. If the statute requires a reason to believe to be shown to the Court so as to getting a refusal order on prayer for bail, then the Court has to find out as to whether he was shown such grounds and then only it could refuse the prayer for bail, else as may appear from the very first line of provision of Section 437 Cr.P.C. the rule is to grant bail.

With the above observation, this petition stands disposed of.

(Dharnidhar Jha, J)

B.Kr./-Saif.

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