

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47881 of 2014

Arising Out of PS.Case No. -71 Year- 2013 Thana -JAMALPUR District- MUNGER

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1. Rohit Kumar Son of Ramcharitra Singh, Resident of village- Jalali, P.S.-
Sono, Distt- Jamui

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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with

Criminal Miscellaneous No.7663 of 2015

Arising Out of PS.Case No. -71 Year- 2013 Thana -JAMALPUR District- MUNGER

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1. Amit Mandal @ Amit Kumar Son of Late Medni Mandal Resident of
village - Nayatola Phulka, P.S. Jamalpur, District - Munger

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

(In Cr.Misc. No.47881 of 2014)

For the Petitioner/s : Mr. Kumar Kamal Nayan

For the Opposite Party/s : Mr. S.Dayal(App)

(In Cr.Misc. No.7663 of 2015)

For the Petitioner/s : Mr. Ravindra Kumar

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

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CORAM: HONOURABLE SHRI JUSTICE DHARNIDHAR JHA
ORAL ORDER

2 03-03-2015

Heard.

The two orders appear passed by Shri Bhimbhakar Dubey, who is presiding over the court of Additional Sessions Judge-III, Munger. By both the orders the learned Judge rejected the prayer for bail of the two petitioners. Petitioner Amit Mandal @ Amit Kumar was refused prayer for bail by an order passed on 15.10.2014 whereas petitioner Rohit was denied the prayer by the learned Judge by an order dated 5.11.2014.

On perusal of order passed dated 15.10.2014 what this Court finds is that similarly situated accused Santosh Kumar Mandal and Shiv Mandal have been admitted to bail by this Court. In spite of noting that fact the learned Judge was as steady as to deny the prayer for bail and went on refusing the prayer of the present petitioners who were not named in the FIR, which had no room to accommodate more than two as one Prince Yadav with one unknown was specifically named therein and has been assigned the similar role.

This Court finds itself at a loss as to how such arbitrary and illogical orders were passed by the above named officer on two dates. The Officer has noted that he had perused the case diary but no contents of the same was discussed by the Officer and he was dismissing the prayer for bail of the petitioners as if it were some of his private affairs than an act judicial which was to be performed by the officer in performance of his statutory judicial function. The situation appears pathetic and the orders of the Officer appear more pathetic.

Considering the facts which have been noted by the officer, and the fact that similarly situated persons have been admitted to bail by this Court, let the above named two petitioners

in the two petitions be released on bail on furnishing bail bonds each of Rs.10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge-IV, Munger, in Sessions Trial No.51 of 2014 arising out of Jamalpur P.S.Case No.71 of 2013/ Chief Judicial Magistrate, Munger..

Let the two impugned orders passed by the Officer be place before the Hon'ble Inspecting Judge of Munger for evaluation and necessary action

(Dharnidhar Jha, J)

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