

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17249 of 2015

Arising Out of PS.Case No. -146 Year- 2014 Thana -PAHARPUR District-
EASTCHAMPARAN(MOTIHARI)

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1. Manoj Prasad S/o Pahawari Prasad
2. Jagdish Prasad S/o Pahawari Prasad both resident of village - Noneya
Satnami, P.S. Paharpur, Distt. - East Champaran

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar Pandey

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

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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 J.M. Ist Class, East Champaran, Motihari in Paharpur P.S.Case No.146 of 2014 which shall be considered strictly, as per allegations appearing in the FIR which is, as may appear from the reading of the written report, general and omnibus.

The submission is that the learned Additional Sessions Judge-X, East Champaran, Motihari who dismissed the prayer for anticipatory bail of the petitioners has mentioned that the injuries on Bhola Prasad recorded in paragraph-6 of case diary was found grievous, but has not mentioned that it was caused by hard and blunt substance. Submission further was that the learned Judge

was purposely not mentioning those facts else it could have been an offence bailable in nature.

This Court believes that the learned Magistrate, who shall hear the prayer for bail of the petitioners, shall consider the above submission which are raised by the learned Additional Sessions Judge and pass an appropriate order without being influenced either by the Sections of offences inserted in the FIR or by the fact that the petitioners have approached this Court also under Section 438 Cr.P.C.

The petition stands disposed of with the above observations.

(Dharnidhar Jha, J)

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