

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18484 of 2015

Arising Out of PS.Case No. -31 Year- 2015 Thana -SINGHESHWARASHTHAN District-
MADHEPURA

- =====
1. Rakesh Yadav.
 2. Suresh Yadav. Both sons of Late Bindeshwari Yadav, resident of village Patori, Ward No. 4, P.S. Singheshwar, District Madhepura.
- Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Dharmendra Kumar Singh

For the Opposite Party/s : Mr. Ambika Bhagat(Spl.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 which shall be considered by the Chief Judicial Magistrate, Madhepura in connection with Singheshwar P.S. Case No. 31 of 2015. This Court believes that the learned Chief Judicial Magistrate, Madhepura is aware of the legal position that a prayer for bail is always to be considered strictly in accordance with the allegations which could be individually appearing against an accused and a court has never to be influenced by the seriousness of the section of the offence or the special nature of the legislation under which the offence has been registered. In addition to that the court has also to consider the defence plea so as to finding out as to whether there was reason to believe that the accused had committed an offence which could be

punishable either with death or imprisonment for life. If it could not be found out as appears provided by Section 437 Cr.P.C. then the general rule is to admit an accused to bail which is vividly indicated by the very first line of that provision.

Let the court below act accordingly, and decide the prayer for bail of the two petitioners when they make that prayer before it.

The petition stands disposed of with the above observations.

(Dharnidhar Jha, J.)

Sanjay/-

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