

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16435 of 2016

Arising Out of PS.Case No. -79 Year- 2013 Thana -JAGDISHPUR District- BHOJPUR

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1. Subash Giri S/o Sri Mahadeo Giri.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prabhat Kumar Singh

For the Opposite Party/s : Mr. H.A.Khan(App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

2 26-04-2016 Heard learned counsel for the petitioner as well as

learned Additional Public Prosecutor for the State.

Petitioner seeks bail in a case initially, registered for the offences punishable under Section 379 of the Indian Penal Code and later on, Section 412 of the Indian Penal Code was also added.

Petitioner is not named in the first information report nor anything has been mentioned by the learned 4th Additional Sessions Judge, Bhojpur, Ara in his impugned order dated 09.03.2016 against the petitioner and it appears to me that he rejected the prayer for bail of the petitioner without applying his judicial mind.

Learned counsel for the petitioner submits that as a matter of fact, the name of petitioner came in this case in

confessional statement of co-accused, Ram Shankar Yadav, who has already been granted privilege of bail by a co-ordinate Bench of this Court but the learned Additional Sessions Judge has not even paid heed towards the aforesaid fact and rejected the prayer for bail of the petitioner in arbitrary manner.

I am in agreement with the submission of learned counsel for the petitioner and it appears to me that learned Additional Sessions Judge, Bhojpur, Ara exercised his jurisdiction in arbitrary manner which is not suited for an officer of rank of Sessions Judge.

Moreover, considering the aforesaid facts and circumstances as well as submissions of the parties, let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Bhojpur, Ara in connection with Jagdishpur P.S. Case No. 79 of 2013.

(Hemant Kumar Srivastava, J)

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