

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.42566 of 2016

Arising Out of PS.Case No. -209 Year- 2014 Thana -MAKHDUMPUR District- JEHANABAD

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1. Bipin Kumar Son of Kali Kewat Resident of Village- Marsua, P.S. Makhdumpur (Tehta), District Jehanabad.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Kumar

For the Opposite Party/s : Mr. Sri Chandrasen Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

3 05-12-2016 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered under Section-
302 & other minor sections of the Indian Penal Code.

Petitioner and other FIR named accused are said to
have mercilessly assaulted the informant, her son as well as her
mother-in-law and subsequently, the informant's son died. The
postmortem report goes to show that bleeding from nose and
fracture of chest ribs were found on the person of the deceased.
Moreover, a piquant situation arises before this court because the
learned Additional Chief Judicial Magistrate I/C namely, Hari
Prasad has already granted privilege of bail to a co-accused on the
ground that a coordinate bench of this court had directed the
concerned court to consider regular bail application of co-accused



on the basis of ratio as laid down in the case of Mahendra Prasad Singh Vs the State of Bihar reported in 2004(3) PLJR 491 and taking the advantage of the aforesaid observation, the lower court granted bail to co-accused Laxmi Kewat.

In my view, the learned Additional Chief Judicial Magistrate had got no power to grant privilege of bail to co-accused Laxmi Kewat even taking the help of ratio laid down in Mahendra Prasad Singh (supra) case. However, the case of the petitioner is on similar footing to that of co-accused Laxmi Kewat and therefore, in the aforesaid circumstance, with intent to maintain the parity of justice, I would like to release the petitioner on bail. Hence, the petitioner named above is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with Makhdumpur P.S. Case No. 209 of 2014 to the satisfaction of learned Chief Judicial Magistrate, Jehanabad.

However, the copy of this order be communicated to the concerned Judicial Officer with strict warning to this effect that he should be more cautious and vigilant while considering the bail matters.

(Hemant Kumar Srivastava, J)

A.K.V./-

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