

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48609 of 2018

Arising Out of PS. Case No.-888 Year-2017 Thana- KHAGARIA District- Khagaria

Karelal Singh S/o Late Lakhan Singh, resident of village- Ekania, P.S.-
Mansi, District- Khagaria.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Binod Kumar, Adv.

For the Opposite Party/s : Mr. Madan Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

3 29-08-2018 Heard Sri Binod Kumar, learned counsel for the
petitioner and Sri Madan Kumar, learned Addl. Public
Prosecutor.

The sole petitioner has approached this Court for
grant of bail in Khagaria P.S. Case No.888 of 2017 registered
for the offence under Section 364 of the Indian Penal Code.

At the very outset, on examination of the order dated
24.07.2018, whereby the prayer for bail of the petitioner was
rejected by the learned Sessions Judge, Khagaria, it transpired
that the learned court below wanted to peruse the case diary, but
it was insisted on behalf of the petitioner for disposing of the
matter and this was the reason that the learned trial Judge was
constrained to pass order in absence of case diary and rejected
the prayer for bail of the petitioner.



Since the bail petition of the petitioner was not considered on the basis of entire material due to insistence of learned counsel for the petitioner before the court below, it would not be appropriate to pass any positive order in the present petition.

Accordingly, the present bail petition stands disposed of with observation that the petitioner may file a fresh petition before the court below. After filing of such petition, the court below may summon the case diary and after examining the case diary, the learned court below may pass appropriate order in accordance with law.

(Rakesh Kumar, J.)

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