

Supreme Court of India

Bimla Devi vs State Of Bihar on 20 January, 1994

Equivalent citations: 1994 SCC (2) 8, JT 1994 (1) 120

Author: F Uddin

Bench: Faizan Uddin (J)

PETITIONER:

BIMLA DEVI

Vs.

RESPONDENT:

STATE OF BIHAR

DATE OF JUDGMENT 20/01/1994

BENCH:

FAIZAN UDDIN (J)

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FAIZAN UDDIN (J)

ANAND, A.S. (J)

CITATION:

1994 SCC (2) 8 JT 1994 (1) 120

1994 SCALE (1) 117

ACT:

HEADNOTE:

JUDGMENT:

The Judgment of the Court was delivered by FAIZANUDDIN, J.- This petition arises out of a complaint having been made by one Smt Bimla Devi complaining that Shri P. Kumar, Judicial Magistrate, Dhanbad granted bail to the accused-Respondent 4, involved in a case under Sections 302/34 of the Penal Code for murder of her son, in G.R. No. 1619 of 1992, corresponding to Jorapokher P.S. Case No. 168 of 1992, despite the fact that the two earlier bail applications of the said accused were successively rejected by the High Court, Ranchi Bench. This Court had issued a notice to the respondents including the Judicial Magistrate, First Court, Dhanbad, Bihar requiring them to show cause why the bail granted to the accused be not cancelled. Respondent 3, Shri P. Kumar, Judicial Magistrate has sent his reply to the show cause stating that the accused Respondent 4 was granted only provisional bail which has been cancelled by him by his order dated June 8, 1993 and that the accused has already been taken into custody.

2. In view of the fact that the Judicial Magistrate at a later stage has himself cancelled the bail, it is not necessary for us to pass any order with regard to the petitioner's prayer for cancellation of bail but the disturbing feature of the case is that though two successive applications of the accused for grant of bail were rejected by the High Court yet the learned Magistrate granted provisional bail. The course adopted by the learned Magistrate is not only contrary to settled principles of judicial discipline and propriety but also contrary to the statutory provisions. (See in this connection *Shahzad Hasan Khan case*.) The manner in which the learned Magistrate dealt with the case can give rise to the apprehensions which were expressed by the complainant in her complaint, which was treated by this Court as a writ petition and is being dealt with as such. In the course that we are adopting, we would not like to comment upon the manner in which the learned Magistrate dealt with the case any more at this stage. We, in the facts and circumstances stated above, direct that a copy of this order be sent to the Chief Justice of the Patna High Court for taking such action on, the administrative side as may be deemed fit by him.

3. The writ petition is disposed of accordingly. I *Shahzad Hasan Khan v. Ishtiaq Hasan Khan*, (1987) 2 SCC 684 : 1987 SCC (Cri) 415 : AIR 1987 SC 1613