

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.518 of 2015

Arising Out of PS.Case No. -281 Year- 2013 Thana -CHANDAULI District- GAYA

Deolal Bhuyain Son of Late Raghu Bhuyain Resident of Village-Durbey
Tola Bhatu Bigha,P.S-Chandauti,District-Gaya

.... Petitioner.

Versus

The State of Bihar

.... Opposite Party.

Appearance :

For the Petitioner/s : Mr. Surendra Kumar Mishra

For the Opposite Party/s : Mr. Md. Ataur Rahman(App)

CORAM: HONOURABLE MR. JUSTICE V. NATH
ORAL ORDER

3 10-04-2015 Heard the learned counsel for the petitioner as
well as learned additional public prosecutor.

The petitioner seeks regular bail in connection
with Chandauti P.S.Case No. 281 of 2013 under Sections 147,
149,341,302 of the Indian Penal Code and under Section 3/4
Daiyan Act.

The first information report discloses that there was
earlier allegations and dispute in between the husband of the
informant and co-accused Yamuna Bhuyain. It further discloses
that on the date of occurrence in the night at 10.00 P.M. the said
Yamuna Bhuyain alongwith the petitioner forcibly entered the
house of the informant, assaulted her husband whose dead body
was found beside the railway track in the morning.



The learned counsel for the petitioner has submitted that the conduct of the informant does not appear to be normal human conduct when even in the face of assault upon her husband in the night at 10.00 P.M., she did not choose to inform the co-villager or her son who also resides in another house in the same village. The learned counsel for the petitioner has also further submitted that during the course of investigation it has also come that the deceased was a drunkard and therefore the chance that he might have died in train accident cannot be ruled out.

The learned additional public prosecutor has opposed the prayer of bail.

In view of the facts and circumstances of the case and after considering the submissions, let the above named petitioner be released on bail on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of Learned Chief Judicial Magistrate, Gaya in connection with Chandauti P.S.Case No.281/2013 subject to the following conditions:

(a) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such fact to the Court;

(b) The petitioner shall be well represented on each date in the court below and his failure to do so on two sequential dates shall entail cancellation of his bail bonds;

(c) The petitioner shall abide by the above conditions scrupulously and in case of violation of any of the conditions, the prosecution would be at liberty to move the Court for cancellation of bail.

(V. Nath, J)

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