

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13697 of 2016

Arising Out of PS.Case No. -106 Year- 2013 Thana -MADANPURA District- AURANGABAD

1. Kameshwar Bhuiyan @ Shiv Kumar Bhuiyan Son of Ramavtar Bhuiyan,
Resident of village- Badam, P.S.- Madanpur, District- Aurangabad

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Leelawati Kumari

For the Opposite Party/s : Mr. Jagdhar Pd.(App)

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 16-05-2016

Heard the learned counsel for the petitioner as well as
the learned A.P.P for the State.

The petitioner seeks bail in a case for the offences
punishable under sections 364/34 and 302 of the I.P.C

Allegedly, the father of the informant, working as
daily wage forest keeper, was kidnapped and done to death. The
petitioner and other co-accused have been named with the
allegation that they had for an earlier incident caused threats to the
informant of dire consequences. The body of the deceased was
later recovered from within the forest area.

Submission is of false implication and that besides
suspicion there is nothing against the petitioner, the petitioner has
been apprehended on 25.12.2015 and since then he is in custody,
no one has seen the petitioner committing the crime or in the
company of the deceased and as such the petitioner deserves

sympathetic consideration as co-accused Bijay Bhuiyan has been allowed bail.

The learned A.P.P. opposes prayer for bail by submitting that the prayer for bail of Amresh Bhuiya, Dhananjay Bhuiya and Kamesh Bhuiya, who are named in the First Information Report with the petitioner, has already been rejected by another coordinate Bench of this Court and as such the petitioner does not deserve bail.

In the facts and circumstances as stated above, considering that co-accused Bijay Bhuiyan has been allowed bail as he was not named in the First Information Report, whereas, the petitioner is named along with other co-accused and those co-accused have been refused bail and as such at this stage I am not inclined to enlarge the petitioner on bail and accordingly his such prayer stands rejected in connection with Madanpur P.S. Case No. 106 of 2013 pending in the court of C.J.M. Aurangabad.

However, the petitioner may renew his prayer for bail if the trial is not concluded within a period of nine months from the date of receipt/production of a copy of this order. The learned trial court is directed to take all positive steps to conclude the trial within the stipulated period.

(Jitendra Mohan Sharma, J)

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