

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29244 of 2016

Arising Out of PS.Case No. -249 Year- 2010 Thana -MADANPURA District- AURANGABAD

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DHUKAR BHUIYA @ DHUKKHAR BHUIAN @ DHUKKHAR JI, son
of Parmeshwar Bhuiyan, resident of Village Sahajpur, P.S. Madanpur,
District Aurangabad (Bihar)

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Leelawati Kumari, Advocate

For the Opposite Party/s : Mr. Dr. Rabindra Kumar, Advocate

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 20-07-2016 Heard learned counsel for the petitioner and

learned APP for the State.

Petitioner is languishing in custody since
05.08.2015 in connection with Sessions Trial No. 62/16/ 54/16
arising out of Madanpur P.S. Case No. 249/10 for offences alleged
under Sections 147, 148, 149, 307, 353 of the Indian Penal Code,
under Sections 25(1-b) a, 26, 27, 35 of the Arms Act and Section
17 of the C.L.A. Act.

Allegation is that after getting secret information
that at the house of Ramlagan Bhuiyan, the extremists are present
and are making some plan, the police personnel went there and
then firing started from the house, to which the police also
resorted to firing but the extremists, 20-25 in number, fled away
but from the house 20 kgs. of fish, one country-made pistol, one

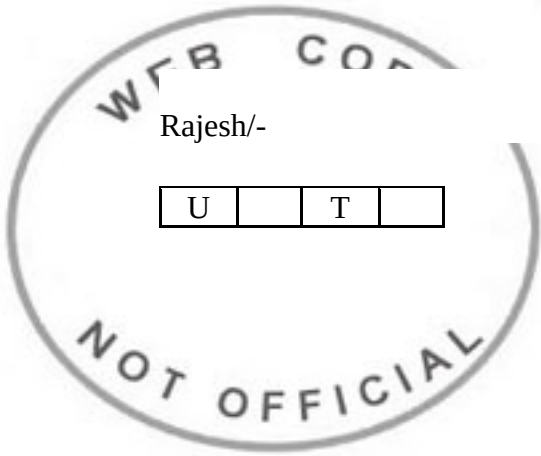
electronic flash trigger, uniform and belt were seized. The Chowkidar named the petitioner and other co-accused.

It has been submitted by the learned counsel for the petitioner that petitioner is named accused along with 12 other persons and nothing has been recovered from his possession. It is submitted that the petitioner is a poor farmer and has no connection with Ram Lagan Bhuiyan and has no knowledge of the alleged occurrence. It has further been submitted that the charge has been framed against the petitioner; hence, there is no chance of absconding or tampering with the evidence. He further submits that one of the co-accused on similar allegation has since been granted the privilege of bail by a Co-ordinate Bench of this Court in Cr. Misc. No. 57732 of 2015 on 22.01.2016.

However, learned APP for the State submits that the petitioner is named in the First Information Report, hence, opposes the prayer for bail.

Be that as it may, since on similar allegation another co-accused has been granted the privilege of bail, let petitioner, above named, 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 Additional Sessions Judge-III, Aurangabad in connection with Sessions Trial No.

62/16/ 54/16, arising out of Madanpur P.S. Case No. 249/10.



Rajesh/-

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(Nilu Agrawal, J.)