

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3263 of 2017

Arising Out of PS.Case No. -121 Year- 2015 Thana -IMAMGANJ District- GAYA

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Dashrath Bhuiyan @ Dasrath Bhuiyan, Son of Meghu Bhuiyan, Resident of
Village - Guriya Tola Mahuran Dih, P.S. - Imamganj, District - Gaya.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Shivendra Prasad

For the Opposite Party/s : Mr. Smt. Pushpa Sinha

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

3 07-03-2017 Heard learned counsel for the petitioner as well as
learned Addl. Public Prosecutor.

The petitioner prays for regular bail for the offence
under Sections 302, 323, 354, 504/34 of Indian Penal Code.

Allegedly, the petitioner along with other accused
persons came variously armed with *lathi*, *danda* and *tangi* and
assaulted on the neck of the mother-in-law of the informant resulting
her neck was cut and died. They were making allegation that she was
practicing witch -craft resulting son of Mahendra Bhuiya died.

Submission is of false implication and that the
petitioner is in custody since 20.10.2016, charge-sheet has already been
submitted, there is no allegation of tampering with prosecution
evidence, general and omnibus allegation has been made against the
petitioner, no specific injury has been attributed and in this case,



similarly situated co-accused Rambriksh Bhuiya, Mahendra Bhuiya, Rajendra Bhuiya, Begadi Bhuiya and others have already been allowed bail by a co-ordinate Bench of this Court in Cr. Misc. no. 24630 of 2016 and co-accused Jitendra Bhuiya has already been granted bail vide Cr. Misc. no. 4816 of 2017 by co-ordinate Bench of this Court and as such, he deserves sympathetic consideration.

Learned A.P.P. submits that petitioner is named in the F.I.R.

In the facts and circumstances stated above, the petitioner abovenamed is directed to be released on bail on execution of bail bond of Rs. 10,000/- (Rs. Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Sherghaty (Gaya) in connection with Imamganj PS case no. 121 of 2015 subject to the conditions that one of the bailors must be near relative and another having sufficient immovable property within the territorial jurisdiction of the Court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from the privilege of bail.

(Jitendra Mohan Sharma, J.)

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