

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32126 of 2020

Arising Out of PS. Case No.-13 Year-2019 Thana- SUHAIL District- Gaya

1. Jagdish Bhuiyan @ Jagdish Bharti Son of Godan Bhuiyan
2. Prabindra Bhuiyan @ Praveen Bhuiyan @ Pravin Kumar Son of Jagdish Bhuiyan @ Jagdish Bharti
Both Resident of Village - Salaiya, P.S.- Sohail, Distt.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar Singh, Advocate
For the Opposite Party/s : Mr. Sunil Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 17-03-2021 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

The petitioners are languishing in custody for the offences punishable under Sections 147/148/149/341/ 323 /353 / 325/307/504 of the Indian Penal Code in connection with Sohail P.S. Case No. 13 of 2019. Later on offence under Section 302 of the Indian Penal Code was added.

According to FIR, the police party had gone to execute the warrant of arrest against petitioner Jagdish Bhuiyan in a proceeding under Section 107 Cr.P.C. pending before the Sub-Divisional Magistrate, Sherghati. Petitioner Jagdish Bhuiyan and his family members named in the FIR along with



unknown persons attacked on police party assaulted to the informant as well as constable Pankaj Kumar Das and other constables. Constable Pankaj Kumar Das died during course of treatment. Another petitioner is not specifically named in the FIR. However, he is son of petitioner Jagdish Bhuiyan. The case-diary would reveal that other eyewitnesses have also supported the allegation.

Learned counsel for the petitioner has drawn attention of the Court towards delayed preparation of inquest report, non-specific allegation against the petitioners and other infirmities in the prosecution case.

Since there is no direct allegation against the petitioner No.2 Prabindra Bhuiyan @ Praveen Bhuiyan @ Pravin Kumar, let him be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned Court-below where the case is pending in connection with Sohail P.S. Case No.13 of 2019, with following conditions:

(a) Both the bailors shall be the resident of territorial jurisdiction of the learned Court-below.

(b) The petitioner shall fully cooperate with the trial of the case, failing which the court below shall be at liberty to



cancel the bail bond of the petitioner.

(c) The petitioner shall not leave the country without permission of the trial Court.

Considering the direct allegation against petitioner No.1 Jagdish Bhuiyan @ Jagdish Bharti of commission of assault to the deceased also, I am not inclined to enlarge him on bail. Hence, his prayer for bail is refused. The trial Court is directed to expedite the trial. If the trial is not concluded within nine months the petitioner Jagdish Bhuiyan would be at liberty to renew the prayer for bail before the Court-below itself.

(Birendra Kumar, J)

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