

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36581 of 2020**

Arising Out of PS. Case No.-166 Year-2018 Thana- MADANPUR District- Aurangabad

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SANJEET BHUIYAN @ SANJEET KUMAR S/o Ram Raj Bhuiyan R/o
Village-Sonpur Dih, P.S.-Madanpur, District-Aurangabad.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mrs.Mukul Kumari

For the Opposite Party/s : Mr. C. Jawahar, APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 24-03-2021 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in a case instituted for the
offences under Sections 302/34 of the Indian Penal Code.

The earlier bail application of the petitioner was
rejected vide Annexure-1 to the present application taking into
account that in a spur of moment, the petitioner has thrown a
silabatta on the head of the deceased, due to which the deceased
has died.

A report was called for from the Trial Court. It has
been reported that none of the prosecution witnesses have been
examined till date.

It has been submitted on behalf of the petitioner that
the petitioner is in custody since 26.07.2018 and has got no
criminal antecedent. There is no allegation of tampering of



witnesses alleged against the petitioner. Charge-sheet has been submitted in the present case. From bare perusal of the F.I.R., it is apparent that at best it is a case for an offence under section 304 IPC. No deadly weapon is said to have been used in course of occurrence. In a spur of moment due to hot exchange of words, the silabatta, which is used for grinding masala, was thrown upon the deceased. The petitioner had no intention to commit murder of the deceased. The petitioner has remained in custody for about two and a half years and there is no chance of trial being concluded in near future.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, it is directed that the petitioner, above named, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Aurangabad in connection with Session Trial No. 489/2018/401/2018 arising out of Madanpur P.S. Case No. 166 of 2018.

Pankaj/-

(Sudhir Singh, J)

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