

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35798 of 2020

Arising Out of PS. Case No.-10 Year-2020 Thana- KASMA District- Aurangabad

Pravesh Bhuiyaan (male), aged about 35 years, Son of Chandradev Bhuiyaan
Resident of Village- Pipra tole, Baljori Bigha, P.s.- Kasma, District-
Aurangabad (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Leelawati Kumari

For the Opposite Party/s : Mr. Shyameshwar Dayal

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

3 08-03-2021 Heard learned counsel for the petitioner and learned
counsel for the State.

In this case, the petitioner is seeking bail in connection with Kasma P.S. Case No. 10 of 2020 registered for offences under sections 341, 232, 504, 354, 34 of the Indian Penal Code and later on added with Section 302 of the Indian Penal Code.

The prosecution case, in short, is that on 18.2.2020 at 6 am, the sister of the Informant was going to meet the call of nature, on the way, the co-villagers Sarju Bhuiyan tried to pull off her scarf with an intention to outrage her modesty but, she protested and came to her house and narrated the story to her father and brother. Thereafter, the father and brother of the



Informant went to esquire into the matter whereupon all the accused persons, armed with traditional weapons, assaulted them and Bira Bhuiyan (father of the girl) died during treatment.

Learned counsel for the petitioner submits that Sarju Bhuiyan, against whom there is an specific allegation to have caused injury by hard blunt substance, has been granted bail by this Court vide order dated 25.2.2021 passed in Cr. Misc. No. 36816 of 2020 whereas the present petitioner is in jail for eight months and there is no direct allegation against him.

Looking to the entire facts and circumstances of the case, let the 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 District and Sessions Judge-VI-cum-Special Exclusive Judge (POCSO), Aurangabad (Bihar) in connection with Kasma P.S. Case No. 10 of 2020, subject to the condition that (i) one of the bailors shall be a close relative of the petitioner (ii) if the petitioner is found involved in future in similar type of case, the prosecution will be at liberty to make prayer for cancellation of his bail and the court below will pass necessary order, including cancellation of bail and (iii) the petitioner would cooperate the proceeding of the court below. In



event of failure to appear on two consecutive dates, the court below will be at liberty to pass the order, including cancellation of bail bonds.

(Shivaji Pandey, J)

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