

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7912 of 2022

Arising Out of PS. Case No.-96 Year-2021 Thana- GURUA District- Gaya

1. Munarik Bhuiyan Son of Late Jitan Bhuiyan R/O Village- Salampur, P.S.- Gurua, District- Gaya
2. Girendra Bhuiyan Son of Munarik Bhuiyan R/O Village- Salampur, P.S.- Gurua, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gajendra Kumar Singh, Advocate
For the State : Mr. Lalan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

5 06-12-2022 Heard learned counsel appearing on behalf of the petitioners and learned APP appearing on behalf of the State.

Let the defect(s), if any, be removed within a period of four weeks from today.

The petitioners seek bail in connection with Gurua P.S. Case No. 96 of 2021 registered for the offence under Sections 302 and 34 of the Indian Penal Code.

The accused/petitioners are named in the F.I.R. and are in custody since 03.05.2021.

The allegation against the petitioners is to commit murder of brother-in-law of the informant, alongwith other co-accused persons, due to previous enmities.



Learned counsel appearing on behalf of the petitioners submitted that allegation, as regard to assault, as appearing from the face of the F.I.R., is very much general and omnibus against these petitioners. It is submitted that alleged assault was made on the non-vital part of the body, which indicates that petitioners were not under intention to cause death. It is also submitted that it was the petitioners, who hospitalized the deceased, which clearly indicates that they were not under intention to cause death. It is further submitted that injuries were received due to accidental fall on the ground, where petitioners were implicated falsely due to previous enmity. While concluding the argument, it is submitted that petitioners are men of clean antecedent and, moreover, investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, while opposing the prayer of bail, submitted that assault was made on non-vital part of the body, but as per post mortem report, the said injuries were noticed as dangerous to life in ordinary course of nature.

In view of the facts and circumstances, as mentioned above, as assault was made on non-vital part of the body, where



petitioners are in custody since 03.05.2021 coupled with the fact that chargesheet has been submitted, let the petitioners, above named, are directed to be released on bail in connection with Gurua P.S. Case No. 96 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate- 1st Class, Sherghati, Gaya/concerned Court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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