

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28686 of 2022

Arising Out of PS. Case No.-46 Year-2003 Thana- ROSHANGANJ District- Gaya

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Krishna Bhuiyan @ Krishna Manjhi Son Of Late Dudhu Bhuiyan @ Budhu
Bhuiyan R/O Village- Taradih, P.S.- Raushanganj, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ravindra Kumar Sinha, Advocate

For the Opposite Party/s : Mr.Anil Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 24-08-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and learned APP for the State.

Petitioner seeks bail in a case registered for the offence punishable under Sections 304,201,34 of the IPC and Section 3/4 of Explosive Substances Act.

Prosecution case in brief is that on 26/27.09.2003 at about 9.00 AM the petitioner who was allegedly member of the gang of dacoits, in course of fleeing away after committing dacoity, a bomb was exploded which was carried by the gang of dacoits and due to that one of the dacoits died and his dead body was buried there.



Learned counsel appearing for the petitioner submits that in fact the petitioner is not named in the FIR. The name of the petitioner has been transpired only on the basis of suspicion. Further submits that in fact the petitioner has no concern at all with the present occurrence and nothing has been recovered from conscious possession of the petitioner and the name of the petitioner has been transpired in the present case on the basis of disclosure made by the co-accused and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 19.03.2019.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries one more case other than the present one.

Considering the aforesaid facts and period of custody, 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 Court below where the case is pending in connection with S.Tr.No.385/19/104/19 arising out of Raushanganj P.S. Case No.46 of 2003, with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court



and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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