

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46768 of 2021

Arising Out of PS. Case No.-14 Year-2020 Thana- LUTUA District- Gaya

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RAMESH @ UMESH @ UMESH BHUIYAN @ GOLU BHUIYAN @
RAMESH BHUIAN S/o Late Badhan Bhuiyan @ Late Badan Bhuiyan R/o
village- Shankarpur, P.S.- Lutua, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 47611 of 2021

Arising Out of PS. Case No.-14 Year-2020 Thana- LUTUA District- Gaya

- =====
1. BILAS BHUIYAN @ BILASH BHUIYAN S/o LATE BADHAN BHUIYAN @ LATE BADAN BHUIYAN R/o VILLAGE-SHANKARPUR, P.S-LUTUA, DISTRICT-GAYA.
 2. KEDAR BHUIYAN S/o LATE BADHAN BHUIYAN @ LATE BADAN BHUIYAN R/o VILLAGE-SHANKARPUR, P.S-LUTUA, DISTRICT-GAYA.
 3. SUBHASH BHUIYAN S/o LATE BADHAN BHUIYAN @ LATE BADAN BHUIYAN R/o VILLAGE-SHANKARPUR, P.S-LUTUA, DISTRICT-GAYA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 46768 of 2021)

For the Petitioner/s : Mr. Arvind Kumar Singh, Advocate

For the Opposite Party/s : Mr. Raj Kishore Singh, APP

(In CRIMINAL MISCELLANEOUS No. 47611 of 2021)

For the Petitioner/s : Mr. Arvind Kumar Singh, Advocate

For the Opposite Party/s : Mr. Raj Kishore Singh, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL ORDER

3 04-03-2022 Heard learned counsel for the petitioners and learned

APP for the State through video conferencing.



The four petitioners in the two applications have prayed for grant of regular bail in connection with Lutua P.S. Case no. 14 of 2020 registered under sections 302 and other sections of the Indian Penal Code and sections 3 and 4 of Prevention of Witch (Dain) Practices Act.

As per the prosecution case, it is stated that the nine named accused persons including the four petitioners herein came variously armed and brutally assaulted the husband of the informant. It is further stated that Ramesh @ Golu Bhuiyan assaulted the husband of the informant with *khanti* leading to his death on the spot.

It is submitted by learned counsel for the petitioners that the petitioners have been falsely implicated in the case. So far as the other accused persons besides Ramesh @ Golu Bhuiyan are concerned, the allegations are general and omnibus in nature and the postmortem report does not support the allegation of brutal assault by so many accused persons. The petitioners are in custody since 19.10.2020 and have no criminal antecedent. Chargesheet has been submitted in the case.

The applications for bail are opposed by learned A.P.P. for the State who submits that the allegations of assault and specific allegation against Ramesh @ Golu Bhuiyan is



supported from the contents of the postmortem report.

Having heard learned counsel for the parties and taking into consideration the allegations in the FIR together with the contents of the postmortem report, the Court is not inclined to enlarge the petitioner Ramesh @ Golu Bhuiyan on bail and his application is rejected.

So far as the petitioners Bilas Bhuiyan @ Bilash Bhuiyan, Kedar Bhuiyan and Subhash Bhuiyan are concerned, taking into consideration the general and omnibus allegations in the FIR together with the petitioners having remained in custody for more than 1 year 4 months, the three petitioners in Cr. Misc. no. 47611 of 2021 are directed to be enlarged on bail in connection with Lutua P.S. Case no. 14 of 2020 on each of them furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Sub Divisional Judicial Magistrate, Sherghati (Gaya).

(Partha Sarthy, J)

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