

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.40603 of 2022**

Arising Out of PS. Case No.-138 Year-2014 Thana- MADANPUR District- Aurangabad

Santosh Bhuiyan @ Santosh Rikiyasan Son Of Kauleshwar Bhuiyan R/O  
Village- Jurahi, P.S.- Madanpur, District- Auangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Ms. Mukul Kumari, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**

ORAL ORDER

2      18-10-2022                      Heard   Ms. Mukul Kumari, learned counsel for the  
petitioner and the learned APP for the State.

Let the defect(s) be removed within four weeks of the  
complete start of the physical Court in normal course.

The petitioner is in judicial custody in connection  
with S.T. No.124 of 2022 / 101 of 2021 arising out of Madanpur  
P.S. Case No.138 of 2014 instituted under Sections 147, 148,  
149, 353, 435, 427 of the Indian Penal Code and Section 27 of  
the Arms Act, 3/4 of Explosive Substance Act and 17 of C.L.A.  
Act.

As per the prosecution story, the police has alleged  
that there was a crowd near school at Madanpur due to dispute  
between the C.R.P.F. police and the local village and when the  
police went to pacify them, around 500 people became  
aggressive and resorted to brickbat and also opened fire and



block the roads. Further allegation is of entering into the BDO Office and damaging the said office. Accordingly, the FIR was lodged.

Learned counsel for the petitioner submits that omnibus allegation against all the accused persons are there with no specific allegation against him, the only fault of him is that being a poor fellow, probably the police is antagonized and he has been framed in one after another criminal cases which delayed his coming into judicial custody. Her further submission is that similar placed co-accused have since been released on bail vide Cr. Misc. No. 14813 of 2019 (Ramji Singh Bhogta @ Ramjee Singh Bhokta Vs. The State of Bihar), Cr. Misc. No. 26931 of 2019 (Chandan Kumar Vs. The State of Bihar), Cr. Misc. No. 44740 of 2019 (Awadh Mehta & Ors. Vs. The State of Bihar), Cr. Misc. No. 1809 of 2020 (Ranjit Kumar Yadav @ Ranjeet Yadav & Ors. Vs. The State of Bihar).

Taking into account the aforesaid fact that the petitioner is in custody since 23.12.2021, charge-sheet stands submitted, there is omnibus allegation against all of them, other co-accused have since been granted bail, as stated above, this Court is inclined to grant him privilege of bail with conditions to secure his presence in the Trial in view of the fact that the



matter is of the year 2014.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with S.T. No.124 of 2022 / 101 of 2021 arising out of Madanpur P.S. Case No.138 of 2014 to the satisfaction of learned Chief Judicial Magistrate, Aurangabad, subject to following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every month till conclusion of the Trial to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any



criminal offence again failing which the State shall be at liberty  
to take steps for cancellation of the bail bonds.

With the aforesaid observations, the bail application is  
allowed.

**(Rajiv Roy, J)**

Prakash Narayan /-

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