

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 59436 of 2021

Arising Out of PS. Case No.-154 Year-2021 Thana- MADANPUR District- Aurangabad

1. LAL MOHAN BHUIYAN S/o Late Banshi Bhuiyan R/o village- Jamuaain, P.S.- Madanpur, District- Aurangabad
2. Vijay Bhuiyan @ Vijay Kumar S/o Lal Mohan Bhuiyan R/o village- Jamuaain, P.S.- Madanpur, District- Aurangabad
3. Sukesh Bhuiyan S/o Lal Mohan Bhuiyan R/o village- Jamuaain, P.S.- Madanpur, District- Aurangabad

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 16-08-2022 Heard learned counsel appearing on behalf of the
petitioners and learned counsel 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
Madanpur P.S. Case No. 154 of 2021 registered for the offence
under Sections 147, 148, 149, 302, 448, 504 and 506 of the
Indian Penal Code and $\frac{3}{4}$ of the Dyne Act.

The accused/petitioners are named in the F.I.R. and is
in custody since 01.07.2021.

The allegation against the petitioners is to commit



murder of father and mother of the informant by using deadly weapons like Axe, *Garasa*, etc. under the suspicion that the deceased were involved in witch practices.

Learned counsel appearing on behalf of the petitioners submitted that the allegation as regard to assault is very much general and omnibus against this petitioner. It has further been submitted that similarly situated co-accused persons have already been granted bail by one of the learned co-ordinate Bench of this Court through Cr. Misc. No. 540 of 2022 dated 09.05.2022. It is also pointed out that postmortem report suggesting that injuries which were found upon the body of the deceased was of incised caused by sharp cutting weapons and same is not in corroboration with the involvement of the petitioner in want of specific weapons, as per FIR. While concluding the argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that nature of allegation as regard to assault is very much general and omnibus against this petitioners.

Considering the facts and circumstances as mentioned



above, as the allegation as regard to fatal assault against above named petitioners are very much general and omnibus coupled with the fact that charge-sheet has already been submitted, let both the petitioners, above named, are directed to be released on bail in connection with Madanpur P.S. Case no. 154 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Aurangabad/concerned Court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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