

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65704 of 2021

Arising Out of PS. Case No.-45 Year-2003 Thana- ROSHANGANJ District- Gaya

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Krishna Bhuiyan @ Krishna Manjhi Son of Late Dudhu Bhuiyan @ Budhu
Bhuiyan Resident of 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. Md. Matloob Rab, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 28-06-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Let the defect(s), if any, as pointed out by the office
be removed within four weeks from today.

In the present case, the petitioner seeks bail in
connection with Roushanganj P.S. Case No. 45 of 2003
registered for the alleged offence under Section 395 of the
Indian Penal Code.

Prosecution case is that a Dacoity was committed in
the house of the informant and his neighbours by unknown
miscreants. The petitioner is said to be one of the accused
persons.

The learned counsel for the petitioner submits that
petitioner has been falsely implicated in this case merely on



suspicion and no Test Identification Parade has been conducted till date. Nothing incriminating has been recovered from the possession of the petitioner. He did not receive any summon or warrant though he has been continuously residing in his house. He is in custody since 19.03.2019.

Learned A.P.P. for the State has vehemently opposed the contention of learned counsel for the petitioner submitting that this is the case from the year 2003 and the petitioner has been absconding in this case about 16 years. He further submits that the petitioner is having criminal antecedent and he is an accused in another cases also and the case was registered for offences under Sections 304 and 201/34 of the Indian Penal Code.

Having regard to the submissions made hereinabove and considering the fact that nothing incriminating has been recovered and no T.I.P. has been conducted in this case and further considering the period of detention, the petitioner is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-III, Gaya in connection with Roushanganj P.S. Case No. 45 of 2003, subject to the following conditions :



(i) The bail bond of the petitioner shall be accepted only after framing of charge, if not already framed.

(ii) One of the bailors will be a close relative of the petitioner.

(iii) The petitioner will remain present on each and every day fixed by the court below.

(iv) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

The case diary received from Senior Superintendent of Police, Gaya be returned immediately so that proceeding is not hampered further before the learned court below.

(Arun Kumar Jha, J)

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