

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59166 of 2022

Arising Out of PS. Case No.-115 Year-2021 Thana- AMAS District- Gaya

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1. PANKAJ BHUIYAN @ SUDHARSAN BHUIYAN Son of Munarik Bhuiyan
 2. Mithilesh Bhuiyan Son of Sudeshi Bhuiyan
 3. Dularchand Bhuiyan Son of Munarik Rikiyasan
 4. Gola Bhuiyan @ Suresh Bhuiyan Son of Munarik Bhuiyan
All Resident of village - Baliyari Tola Laladih, P.S.- Amas, Distt.- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Kumar, Advocate
For the Opposite Party/s : Mr.Dinesh Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 16-12-2022 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State in virtual Court proceeding.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 341,323,325,307/34 of IPC and later on Section 302 of IPC has been added and Section 3/4 of Witch Act.

The prosecution case, in short, is that the informant alleges that all accused persons including the petitioners with intention to kill her husband entered into the house of informant and started assaulting her husband namely Rampati Bhuiyan and



when informant tried to save her husband the accused persons beat on her head due to which they sustained serious injury on her. The informant also disclosed that the accused persons abused her husband by saying “dyne” . The informant and her husband admitted to P.H.C., Amas and thereafter referred to A.N.M.C.H., Gaya for treatment.

Learned counsel for the petitioners submits that petitioners have clean clean antecedent. They have falsely been implicated in the present case. Further submits that it appears from the FIR that there is no specific allegation of any assault or overt-act against any of the petitioners. There is general and omnibus allegation against all the accused persons and in fact the husband of the informant firstly admitted in Primary Health Centre, Amas on 17.05.2021 and thereafter he has been referred to A.N.M.C.H., Gaya and due to lack of treatment, he has died. Further submits that in the aforesaid background, there is no case made out against these petitioners under Section 302 of IPC and the petitioners have falsely been implicated in the present case.

Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioners but fairly submits that there is general and omnibus allegation



against all the accused persons.

Considering the aforesaid facts, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000 (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Amas P.S. Case No. 115 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(1) Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(2) If the petitioners tamper 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 petitioners and in case at any stage, it is found that the petitioners have concealed their



criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. 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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