

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1478 of 2022**

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

KAPIL BHUIYA S/o Babulal Bhuiya R/o village- Jamuaen, P.S.- Madanpur,
Distt.- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramendra Kumar Singh

For the Opposite Party/s : Mr. APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

3 31-08-2022 Heard learned counsel appearing on behalf of the
petitioner 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 petitioner seeks 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/petitioner is named in the F.I.R. and is in
custody since 02.07.2021.

The allegation against the petitioner 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 petitioner 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 this Court through Cr. Misc. No. 59436 of 2021 dated 16.08.2022. It is also pointed out that postmortem report suggesting that injuries which were found upon the body of the deceased was of incised in nature 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 petitioner.

Considering the facts and circumstances as mentioned above, as the allegation as regard to fatal assault against above named petitioner is very much general and omnibus coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is 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 Additional Sessions Judge, 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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