

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29760 of 2022

Arising Out of PS. Case No.-83 Year-2021 Thana- IMADPUR District- Bhojpur

1. SUMANT BHUIYAN Son of Ramdhani Bhuiyan Resident of Village - Imadpur, P.s.- Imadpur in the distt. of Bhojpur.
2. Vijay Bhuiyan Son of Sukhu Bhuiyan Resident of Village - Imadpur, P.s.- Imadpur in the distt. of Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar, Advocate

For the Opposite Party/s : Mr. Nirmala Kumari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 09-02-2023 Heard learned counsel for the petitioners and learned A.P.P. for the State.

The petitioners seek bail in a case registered for the offences punishable under Sections 302, 379 and 34 of the Indian Penal Code.

The informant alleges that on 27.06.2021, at about 8:00 pm, four unknown persons called his son from the house and, thereafter, alleges that on the very next day, the dead body of his son was found lying in a tempo standing near the house of one Bilaiyati Sah.

Learned counsel for the petitioner submits that the petitioners is in custody since 21.08.2021 and the petitioner No.



1 is a person with clean antecedent and petitioner No. 2 has antecedent of one case.

Learned counsel further submits that the petitioners have been falsely implicated in the present case, it is next submitted that though it is alleged in the FIR that four unknown persons called the son of the informant from his house but then the said accused persons were not identified by the informant which amply demonstrates that the persons were unknown as the present petitioners are known to the informant being co-villagers, it is further submitted that the name of the petitioners transpired in the case in the supervision of the S.D.P.O. after fifty days of the occurrence. Thereafter, the matter was investigated and based on information provided by the spy, the petitioners were apprehended who, in their confession, admitted that they had committed the occurrence as the deceased used to come to their house for drinking liquor which was being sold by the daughter-in-law of the petitioner No. 1 which was being objected by the petitioner and on the date of occurrence, he saw that, in absence of the family members, the deceased was sitting with his daughter-in-law and when he asked him to leave, he started quarreling on which he called petitioner No. 2 who is his maternal nephew and both of them, thereafter, assaulted and



strangled the deceased.

Learned counsel next submits that confession in police custody does not have any evidentiary value and there is no eye-witness to the occurrence and even the daughter-in-law of the petitioner No. 1 has not been examined which further creates doubt with regard to the veracity of the allegation.

Learned A.P.P. for the State opposes the bail application and submits that a report was called for, from the learned Trial Court, with regard to the stage of the case and from perusal of the same, it would manifest that out of eight witnesses, three witnesses have been examined.

Considering the submissions made by the learned A.P.P. for the State, the Court, for the present, is not inclined to release the petitioners on bail.

However, in the event, if the trial is not concluded within seven months from the date of receipt/production of the copy of this order, the petitioners would be at liberty to renew their prayer for bail before the learned Trial Court itself.

(Satyavrat Verma, J)

HarshPandey/-

U		T	
---	--	---	--

