

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33625 of 2022

Arising Out of PS. Case No.-38 Year-2022 Thana- RAFIGANJ District- Aurangabad

1. Ashok Bhuiyan S/o Saguni Bhuiyan R/o village- Kajpa, P.S.- Rafiganj, District- Aurangabad
2. Parmod Bhuiyan S/o Saguni Bhuiyan R/o village- Kajpa, P.S.- Rafiganj, District- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 31753 of 2022

Arising Out of PS. Case No.-38 Year-2022 Thana- RAFIGANJ District- Aurangabad

Shivpati Bhuiyan Son of Prakash Bhuiyan Resident of Village - Kajpa Tola
Bhuiya Bigha, P.S. Rafiganj, District - Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 33625 of 2022)

For the Petitioner/s : Mr. Krishna Prasad Singh, Sr. Advocate
Mr. Bhaskar Shankar, Advocate

For the Opposite Party/s : Mr. Surendra Prasad Singh, APP

(In CRIMINAL MISCELLANEOUS No. 31753 of 2022)

For the Petitioner/s : Mr. Bindeshwar Prasad Singh, Advocate

For the Opposite Party/s : Mr. Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 13-02-2023 Learned counsel for the petitioners are permitted to

remove the defects, as pointed out by the office, if any, within a

period of four weeks from today.

Heard learned counsel for the petitioners and learned
APP for the State.



Petitioners seeks bail in a case registered for the offences punishable under Sections 302, 201, 120(B) of the Indian Penal Code.

The prosecution case, in brief, is that the informant namely Rajesh Sharma got an information on 01.02.2022 that his nephew's dead body is lying on the banks of Simara Madar river. The informant went and identified the dead body. It is further alleged that the deceased had come near Star Bhatha on 27.01.2022 and Ashok Bhuiyan along with 4-5 others caused him to take liquor and thereafter killed him by electrocution and hide the dead body of the nephew of the informant on the bank of the river.

Learned counsel for the petitioners submits that the petitioners have clean antecedents and they have been falsely implicated in the present case. He further submits that it appears from the F.I.R. that the alleged date of occurrence took place on 27.01.2022 but the present F.I.R. was instituted on 01.02.2022 after delay of four days without giving any explanation of delay. He further submits that in fact the petitioner namely Ashok Bhuiyan is named in the F.I.R. and on the basis of confessional statement of this petitioner, the name of the petitioners namely Pramod Bhuiyan and Shivpati Bhuiyan have come during investigation. He further submits that only on the basis of suspicion, the petitioners have been falsely implicated in the



present case. He further submits that co-accused persons namely Raju Bhuiyan, Anil Bhuiyan, Shankar Bvhuiyan, Suresh Bvhuiyan and Jahkas Bhuiyan have been granted bail by a Coordinate Bench of this Court vide order dated 01.02.2023 in Cr. Misc. No. 31373 of 2022 and analogous cases. He further submits that police after investigation submitted chargesheet against the petitioners and the petitioners namely Ashok Bhuiyan and Pramod Bhuiyan are in jail custody since 06.02.2022 and the petitioner namely Shivpati Bhuiyan is in custody since 08.02.2022.

Learned APP for the State has opposed the prayer for bail of the petitioners.

Considering the facts and circumstances of the case, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees 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 Rafiganj P.S. Case No. 38 of 2022, with the 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



witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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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