

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65355 of 2023

Arising Out of PS. Case No.-86 Year-2022 Thana- DEV District- Aurangabad

SOMAR BHUIYAN @ UPENDRA BHUIYAN SON OF BAISHAKHI
BHUIYAN RESIDENT OF VILLAGE - BANDA, P.S. - DEO, DISTRICT -
AURANGABAD

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukul Kumari

For the Opposite Party/s : Mr.Nand Kishore Prasad

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 13-10-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for bail in a case registered
for the offence punishable under sections 302, 201, 120(B) of the
Indian Penal Code.

As per allegation in the FIR, it is a case of commission
of murder. Deceased had performed two marriages and in the
present case his first wife is informant.

It is submitted by learned counsel for the petitioner that
petitioner is innocent and has committed no offence. The petitioner
is said to be brother-in-law of the deceased and he has been falsely
implicated in this case only on suspicion. The F.I.R. has been
lodged after the delay of two days. No one is the eye witness of the
alleged occurrence. No specific allegation against the petitioner for



committing murder to the deceased. As per postmortem report, no cause of death has been detected by the doctor so viscera was preserved and sent for FSL. The specific allegation against co-accused namely, Rajkali Devi for committing murder of the deceased who happened to be second wife of the deceased and she has already been enlarged on bail by this Bench vide order dated 11.05.2023 passed in Cr. Misc. No.48040 of 2022 which is annexed as Annexure-2 of this petition. Petitioner has got no criminal antecedent and languishing in judicial custody since 18.04.2023.

The application for bail is opposed by learned APP for the State.

Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned CJM, Aurangabad in connection with Deo P.S. Case No. 86 of 2022.

(Sunil Kumar Panwar, J)

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