

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68229 of 2022

Arising Out of PS. Case No.-12 Year-2022 Thana- DUMARIYA District- Gaya

1. Shrawan Kumar @ Sharwan Bhuiyan @ Shrawan Kumar @ Shrawan Bhuiyan @ Sarwan Kumar S/O Lallan Bhuiyan @ Laln Bhuiyan Resident of Village- Koshila, P.S.- Dumariya, District- Gaya.
2. Lallan Bhuiyan @ Lallan Manjhi @ Lalan Manjhi S/O Prasad Bhuiyan Resident Of Village- Koshila, P.S.- Dumariya, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Md. Jubair Ansari, Advocate

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 15-03-2023 Heard learned counsel appearing on behalf of the
petitioners 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 petitioners seek bail in connection with Dumariya
P.S. Case No. 12 of 2022 registered for the offence under
Sections 302, 201 and 34 of the Indian Penal Code (for short
'I.P.C.').

Both accused/petitioners are named in the F.I.R.,
where petitioner no. 1 is in custody since 11.05.2022 and
petitioner no. 2 is in custody since 04.06.2022.

The allegation against the petitioners is to commit



murder of husband of the informant alongwith other co-accused persons due to previous enmities.

Learned counsel appearing on behalf of the petitioners submitted that admittedly informant is not the eye witness of the occurrence, as per the F.I.R., where entire allegation is based upon suspicion. It is also submitted that nothing incriminating surfaced during the course of investigation except normal telephone conversations, being acquainted persons, against these petitioners with present occurrence of murder. It is also submitted that the allegation is appearing very much general and omnibus against these petitioners. It is further pointed out that similarly situated co-accused person, namely, Uday Bharti has already been granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 60944 of 2022 vide order dated 13.03.2023. While concluding the argument, it has been submitted that both petitioners are men of clean antecedent and moreover, investigation has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP for the State opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as save and except suspicion of the informant nothing



incriminating appears to be surfaced to connect these petitioners, *prima facie*, with present occurrence of murder coupled with the fact that charge-sheet has been submitted, let both above named petitioners, are directed to be released on bail in connection with Dumariya P.S. Case No. 12 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate First Class, Sherghati, Gaya/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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