

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8955 of 2024

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

1. Arun Bhuiyan Son of Tapeswar Bhuiyan R/o vill - Jamuniya, P.S. - Madanpur, Distt. - Aurangabad
2. Babulal Bhuiyan Son of Late Mohar R/o vill - Jamuniya, P.S. - Madanpur, Distt. - Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukul Kumari, Advocate

For the Opposite Party/s : Mr. Rajiv Nayan, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 17-05-2024 Heard learned counsel appearing on behalf of the petitioners and learned counsel appearing on behalf of the State.

2. The petitioners seeks bail in connection with Madanpur P.S. Case No. 154 of 2021 registered for the offence under Sections 147, 148, 149, 302, 379, 448, 504 and 506 of the Indian Penal Code and Section 3/4 of the Dyne Act.



3. The accused/petitioners are named in the F.I.R. and are in custody since 23.08.2023.

4. The allegation against the petitioners 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.

5. Learned counsel appearing on behalf of the petitioners submitted that the allegation as regard to assault is very much general and omnibus against these petitioners. It has further been submitted that similarly situated co-accused person, namely Kapil Bhuiya, had already granted bail by this Court through Cr. Misc. No. 1478 of 2022 vide order dated 31.08.2022. 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 petitioners, 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.

6. 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 these petitioners.

7. Considering the facts and circumstances as mentioned above, allegation as regard to fatal assault against petitioners is very much general and omnibus coupled with the fact that charge-sheet has already been submitted, both above named petitioners are 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 Chief Judicial Magistrate, Aurangabad/concerned Court,



subject to the conditions as mentioned under Section
437 (3) of the Cr.P.C.

(Chandra Shekhar Jha, J.)

S.Tripathi/-

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

