

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39943 of 2024

Arising Out of PS. Case No.-8 Year-2019 Thana- KOTHI District- Gaya

Bhola Bhuiyan Son Of Ramashish Bhuiyan @ Ramashish Manjhi Village-
Koshmahi, Ps- Kothi, Dist- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Md. Javed Jafar Khan, Advocate

For the Opposite Party/s : Mr.Jai Narain Thakur, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 26-07-2024 Heard learned counsel for the petitioner and learned
APP for the State. Perused the case diary.

2. The petitioner seeks bail in Kothi P.S. case No. 08
of 2019 instituted for the offences under Sections 306/34 of the
Indian Penal Code.

3. Prosecution allegation, in short, is that the accused
persons physically assaulted and tortured the daughter of the
informant due to which she consumed poison and died.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. The petitioner is said to be husband of the
deceased. General and omnibus allegation of torture has been
made against the petitioner including on other family members.



During the course of investigation, nothing adverse has come against the petitioner. On completion of investigation, the police submitted charge-sheet in this case under Section 306/174A of the Indian Penal Code. The petitioner is in custody since 23.08.2023 and has no criminal antecedent.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. Learned APP, referring to various paragraphs including paragraph 8 of the case diary, submits that the witnesses have supported the factum of torture and assault due to which the deceased consumed poison. The petitioner is husband of the deceased and hence, he does not deserve the bail.

6. Considering the aforesaid facts and circumstances of the case, charge-sheet being submitted under Section 306/174A I.P.C. and the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Kothi P.S. case No. 08 of 2019, subject to the following conditions:

(I) One of the bailors shall be own/close member of



the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(III) The petitioner will not hamper the trial or temper with any prosecution evidence. If he is found involved in such incidence, the prosecution shall have liberty to take steps for cancellation of bail granted to the petitioner.

(Rudra Prakash Mishra, J)

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