

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58163 of 2024

Arising Out of PS. Case No.-13 Year-2019 Thana- SUHAIL District- Gaya

=====

Jagdish Bhuiyan @ Jagdish Bharti, Son of Godan Bhuiyan, resident of
Village- Salaiya, P.S- Sohail, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Kunwar Narayan Jamuar, Advocate

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

=====

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 04-10-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. In the present case, the petitioner seeks bail in connection with Sessions Trial No.788/2023, arising out of Suhail P.S. Case No. 13 of 2019, registered for the alleged offences under Sections 147, 148, 149, 341, 323, 353, 325, 307, 504 of the Indian Penal Code and later on Section 302 IPC was also added.

3. As per prosecution case, while the police party went to execute the warrant of arrest arising out of Case No.835/2019 pending before the court of Sub-Divisional Magistrate, Sherghati, Gaya, the police party reached the house of the petitioner. Thereafter, the petitioner and other co-accused persons making an unlawful assembly and armed with *lathi* and



danda attacked the police party. The petitioner and co-accused Ramjeet Bhuiyan brutally assaulted a constable with *lathi* and when other persons tried to save him, they were also assaulted. One constable Pankaj Kumar Das succumbed to his injuries during his treatment.

4. The learned counsel for the petitioner submits that this is the fourth attempt of the petitioner to seek bail from this Court. The learned counsel further submits that the petitioner is in custody since 17.10.2019 and only four witnesses have been examined so far and there is no likelihood of early conclusion of trial. The learned counsel further submits that petitioner has been made accused in this false and concocted case at the behest of one Brihaspat Bhuiyan due to political rivalry with the petitioner. The allegation of assault on constable Pankaj Kumar Das is against the petitioner and one other co-accused person Ramjeet Bhuiyan. The learned counsel further submits that there are altogether 11 witnesses in the case and all are the police personnel and one independent witness, which has been examined, has been declared hostile. The petitioner is having antecedent of one case which is a complaint case under Sections 107 and 144 of the IPC.

5. Learned A.P.P. opposes the submission made on



behalf of the petitioner. The learned APP further submits that no new ground has been made for consideration of prayer for bail after rejection of the prayer for bail earlier on three occasions.

6. Having regard to the facts and circumstances of the case and submissions made here-in-above and considering the slow pace of the trial and no likelihood of its conclusion in near future and further considering the period of custody of the petitioner, he is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-III, Sherghati, Gaya, in connection with Sessions Trial No. 788/2023, arising out of Suhail P.S. Case No. 13 of 2019, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also the following conditions :

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable



to be cancelled by the court concerned.

(Arun Kumar Jha, J)

V.K.Pandey/-

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

