

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69410 of 2024

Arising Out of PS. Case No.-43 Year-2024 Thana- ROSHANGANJ District- Gaya

1. Parman Bhuiya @ Parman Bharti @ Garj Bharti S/o Naresh Bharti R/o Village- Sagdiha, PS- Raushan Ganj, Dist- Gaya
2. Naresh Bhuiya @ Naresh Bharti S/o Late Jitan Bhuiya @ Late Jitan Bharti R/o Village- Sagdiha, PS- Raushan Ganj, Dist- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kumar, Adv.

For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

3 04-12-2024 Heard learned counsel for the petitioners and learned APP for the State. Perused the case diary.

2. The petitioners seek bail in connection with Roushanganj P.S. Case No. 43 of 2024 instituted for the offences under Section 302/34 of the Indian Penal Code.

3. As per prosecution case, the accusation against the petitioners is of committing murder of the Informant's husband namely Vilash Bhuiya.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence as alleged against them and have falsely been implicated in the present case due to admitted previous dispute. He submits that



the date of alleged occurrence is 17.02.2024 but, the F.I.R. was lodged on 20.02.2024 when Informant's husband died which creates doubt in the prosecution case. The postmortem report does not support the prosecution case as the injury found over the dead body has been caused by hard and blunt object, which does not corroborate the allegations made in the F.I.R. as the assault was made by the petitioners by fist and slaps. In course of investigation, not a single independent witness has supported the prosecution case. He further submits that as a matter of fact, the husband of the Informant had met with an accident and in course of treatment, he died and, taking advantage of the same, the Informant filed the present case, implicating the petitioners. There is no direct or specific allegation of any overt act against the petitioners rather the same is general and omnibus in nature. The petitioners have no criminal antecedent and are languishing in judicial custody since 16.05.2024 without any rhymes or reason.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioners, stating that there is a direct and specific allegation of committing murder of the Informant's husband against the petitioners. The petitioners are also named in the F.I.R. The



postmortem report also suggests the death caused due to hemorrhage and shock. The I.O., after completion of investigation, has submitted charge-sheet against the petitioners under Section 302/34 of the I.P.C.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioners and the petitioners having no criminal antecedent, let the petitioners, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Roushanganj P.S. Case No. 43 of 2024.

(Rudra Prakash Mishra, J)

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