

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6429 of 2024

Arising Out of PS. Case No.-387 Year-2023 Thana- MADANPUR District- Aurangabad

Baban Bhuiyan, aged about 37 years, Gender-Male, Son of Late Balkeshwar Bhuiyan, Resident of Village - Chand Bigha, P.S. - Madanpur, District – Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramendra Kumar Singh, Advocate
For the Opposite Party/s : Mr. Shailendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

2 16-02-2024 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with Madanpur PS Case No. 387 of 2023 instituted for the offences punishable under Sections 302/201/34 of the Indian Penal Code.

3. As per the prosecution case, the deceased died in his in-laws house.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence and has falsely been implicated in this case. Petitioner is in custody since 05.09.2023.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR, and impugned order dated 10.11.2023 passed by the learned Sessions Judge, Aurangabad,



it appears that on the basis of written report of Bachu Kumar brother of the deceased Mithilesh Bhuiyan registered an FIR under Sections 302, 201/34 of the Indian Penal Code. Perusal of the FIR, it appears that the informant is not an eye witness and the name of the petitioner surfaced on the basis of suspicion. Petitioner is not the in-laws of the brother of the informant. He is a co-villager of other co-accused persons. Similarly situated co-accused persons namely Panwa Devi and Sonam Devi have been granted bail by a co-ordinate Bench of this Court in Cr. Misc. No. 1836 of 2024 dated 18.01.2024 and Malik Bhuiyan @ Raushan Kumar has been granted bail by a co-ordinate Bench of this Court in Cr. Misc. No. 86186 of 2023 dated 11.01.2024.

7. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner above named 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 the learned Chief Judicial Magistrate, Aurangabad in connection with Madanpur PS Case No. 387 of 2023.

(Ramesh Chand Malviya, J)

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