

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7785 of 2025

Arising Out of PS. Case No.-131 Year-2001 Thana- BARACHATTI District- Gaya

1. Rajendra Bhuiyan S/o Vishun Bhuiyan R/o Village- Haraiya, PS- Barachatti, Dist- Gaya
2. Krishna Bhuiyan S/o Bhudhan Bhuiyan R/o vill - Jaigir, Tola- Anjanijatad, P.S.- Barachati, Distt.- Gaya
3. Jagdish Chaudhary S/o Karu Pasi R/o vill - Jaigir, Tola- Anjanijatad, P.S. - Barachatti, Distt.- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Umanath Mishra, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 19-02-2025 Heard learned counsel for the petitioners and learned
APP for the State.

02. In the present case, the petitioners seek bail in connection with Barachatti P.S. Case No. 131 of 2001 registered for the alleged offences under Sections 395 of the Indian Penal Code.

03. As per prosecution case, 15-16 persons came at a road side eatery and threatened the informant and others with pistol and took away money and other articles from their victims. The name of petitioners transpired as for being involved in the dacoity.

04. Learned counsel for the petitioners submits that



the petitioners are innocent and have been falsely implicated in this case. Nothing incriminating has been recovered from the person or possession of the petitioners. The petitioners have been named in this case on the basis of confessional statement of co-accused Sanjay Bhuiyan and except for the statement of the co-accused made before the police, there is no material against the petitioner. The petitioners have not been apprehended from the spot and other co-accused persons have been granted bail by different Benches of this Court vide order dated 15.03.2010 passed in Criminal Misc. No. 5611 of 2010 and order dated 22.03.2010 passed in Criminal Misc. No. 8244 of 2010. The petitioners are having antecedent of only one case that is of the year 2001 and after 2001, there is no antecedent of the petitioners. The petitioners are in custody since 04.12.2024, 06.12.2024 and 09.12.2024, respectively and charge-sheet has been submitted.

05. Learned APP for the State opposes the prayer for bail. Learned APP submits that the petitioners avoided prosecution for almost 24 years and delayed the trial in the matter for all these years.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the



fact that the petitioners were not apprehended from the spot and nothing incriminating has been recovered from their possession and further conserring the grant of bail to the other co-accused persons and also considering period of custody of the petitioners along with submission of charge sheet, the petitioners above named are directed to be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-II, Sherghati at Gaya in connection with Barachatti P.S. Case No. 131 of 2001, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners 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 petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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