

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29316 of 2025

Arising Out of PS. Case No.-402 Year-2024 Thana- MADANPUR District- Aurangabad

1. Dashrath Bhuiyan @ Dukhi Bhuiyan S/o- Judasi Bhuiyan @ Jadusi Bhuiyan Village- Belhar PS-Madanpur District-Aurangabad
2. Rajli Devi W/o- Dashrath Bhuiyan Village- Belhar PS-Madanpur District-Aurangabad
3. Bani Bhuiyan @ Sani Bhuiyan @ Gyani Bhuiyan @ Wali Bhuiyan S/o- Dukhi Bhuiyan @ Dashrath Bhuiyan Village- Belhar PS-Madanpur District-Aurangabad
4. Pintu Bhuiyan S/o- Kesar Bhuiyan Village- Belhar PS-Madanpur District-Aurangabad
5. Vikash Bhuiyan S/o- Dashrath Bhuiyan Village- Belhar PS-Madanpur District-Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Madhuresh Singh
For the Opposite Party/s : Mr.Dr. Ajeet Kumar

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 12-05-2025 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners have preferred this application for grant of regular bail in connection with Madanpur P.S. Case No. 402 of 2024 dated 13.10.2024 registered for the offences punishable under Sections 329(3), 191(2), 190, 126(2), 115(2), 117(2), 109, 103(1) and 352 of B.N.S.

3. As per the prosecution case, the petitioners along with the co-accused persons armed with lathi and sticks came to



the door of the informant's house and started abusing and on protest made by the father-in-law of the informant, the petitioners Bani Bhuiyan, Vikash Bhuiyan and the co-accused Keshar Bhuiyan and Kuldeep Bhuiyan assaulted him with lathi leading to head injury. When her husband, brother-in-law and sister-in-law came to rescue, the accused persons also assaulted them with iron rod. Her father-in-law succumbed to the injuries on the way to Sadar Hospital.

4. Learned counsel for the petitioners has submitted that the petitioners are innocent and have falsely been implicated in this case. There is no specific allegation against the petitioners. It is further submitted that the charges have already been framed. The petitioners have no concern with the alleged occurrence. The petitioners have no criminal antecedent as stated in para 3 of the bail petition. The petitioners is in custody since 07.03.2025.

5. Learned A.P.P. for the State has opposed the bail petition of the petitioners by submitting that the specific allegation of assaulting the informant's father-in-law is against the petitioner nos. 3 and 5 namely Bani Bhuiyan and Vikash Bhuiyan, the co-accused persons Keshar Bhuiyan and Kuldeep Bhuiyan.



6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner nos. 1, 2 and 4 (Dashrath Bhuiyan, Rajli Devi and Pintu Bhuiyan) are directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) each with two sureties of the like amount each to the satisfaction of learned Court concerned, Aurangabad in connection with Madanpur P.S. Case No. 402 of 2024.

7. The application stands allowed with regard to the petitioner nos. 1, 2 and 4 (Dashrath Bhuiyan, Rajli Devi and Pintu Bhuiyan).

8. So far as, the petitioner nos. 3 and 5, namely, Bani Bhuiyan and Vikash Bhuiyan are concerned, Considering the aforesaid facts and circumstances of the case as well as the finding substance in the contention of learned counsel for the State, this Court is not inclined to grant bail to the petitioner nos. 3 and 5, namely, Bani Bhuiyan and Vikash Bhuiyan and the same is rejected in connection with Madanpur P.S. Case No. 402 of 2024, pending in the court of learned Chief Judicial Magistrate, Aurangabad, Bihar.

10. Accordingly, the application regarding the petitioner no nos. 3 and 5, namely, Bani Bhuiyan and Vikash



Bhuiyan stands rejected.

(Chandra Prakash Singh, J)

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