

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71606 of 2024

Arising Out of PS. Case No.-22 Year-2001 Thana- BARACHATTI District- Gaya

1. Bi Kumar Bhuiyan @ Bikumar Manjhi @ Bikumar Bhuiyan S/o- Babulal Manjhi @ Babulal Bhuiyan Resident of Village/Mohalla- Chando, P.S. Barachatti, District- Gaya
2. Chandar Bhuiyan @ Ramchandra Manjhi Son of Lattan Bhuiyan @ Lattan Manjhi Resident of Village/Mohalla- Chando, P.S. Barachatti, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Avinash Singh, Advocate
For the Opposite Party/s : Mr. Sanjay Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

4 20-01-2025 Heard learned counsel for the petitioners and Mr. Sanjay Kumar Pandey, learned APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 120B, 147, 148, 149, 302, 201 of the Indian Penal Code and Section 27 of the Arms Act.

3. The case of the prosecution is that the accused persons named in the Complaint petition started to bring the complainant's father namely, Bechan Bhuiyan then complainant's mother namely, Munarwa Devi and his brother Binod Bhuiyan went along with them. Accused Munna Singh ordered rest of the accused persons to kill the complainant's



father namely, Bechan Bhuiyan and his mother namely, Munarwa Devi. From the order of Munna Singh, all the persons started to assault the complainant's parents with *lathi*, *Bhala*, *Tekani* and accused Kailu Bhuiyan fired from his *pistol* which hits the complainant's father namely, Bechan Bhuiyan on his forehead as a result of which, he fell down. Thereupon, accused Jugal Bhuiyan also fired from his pistol which hits the complainant's mother namely, Munarwa Devi.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence. They have falsely been implicated in this case. Petitioners got no criminal antecedent. From perusal of the complaint, it is clear that direct allegation is against only Jughal Bhuiyan and Kailu Bhuiyan. The nature of allegation against other accused persons are general and omnibus in nature. It is also submitted that similarly situated accused person has been granted bail by coordinate Bench in Cr. Misc. No. 33658 of 2010 *vide* order dated 22.09.2010. It is further submitted that the petitioner is languishing in judicial custody since 07.06.2024.

5. Learned APP appearing for the state has opposed the prayer of regular bail.

6. Having heard learned counsel for the parties and



considering the facts and circumstances of the case as well as custody of the petitioners, this court is inclined to enlarge the petitioners on bail. The above named petitioners are directed to be released on bail in connection with Barachatti P.S. Case No. 22 of 2001 on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Sherghati, Gaya.

(Ashok Kumar Pandey, J)

Sudhanshu/-

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