

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76131 of 2024**

Arising Out of PS. Case No.-112 Year-2019 Thana- MADANPUR District- Aurangabad

1. Vinay Kumar @ Vinay Bhuiyan Son of Karu Bhuiyan @ Karu Rikiyasan Resident of Village - Main Bigha, P.O.- Umga, P.S.- Madanpur, District - Aurangabad (Bihar).
2. Sakendra Rikiyasan @ Sikander Bhuiyan @ Sikindra Rikiyasan Son of Soni Rikiyasan @ Soni Bhuiyan Resident of Village - Main Bigha, P.O.- Umga, P.S.- Madanpur, District - Aurangabad (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailesh Kumar Singh, Advocate
For the Opposite Party/s : Mr. Ram Naresh Ray, APP

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER**

4 21-02-2025 Heard the learned counsel for the petitioners and the learned A.P.P. for the State.

2. This is an application for grant of regular bail in connection with Madanpur P.S. Case No. 112 of 2019, registered for the offences punishable under Sections 302/34 of the Indian Penal Code and Sections 3/4 of Witch Prohibition Act.



3. The allegation is that while the husband of the informant was sleeping in the house, the accused persons including the petitioners had arrived there and had started assaulting the deceased husband of the informant by lathi, danda and iron rod leading to his death on the spot.

4. The learned counsel for the petitioners has submitted that the petitioners are innocent and they have been falsely implicated in the present case as also are languishing in custody since 09.08.2024. It is further submitted that a general and omnibus allegation has been levelled against all the accused persons and as far as the petitioners are concerned, no allegation of them having engaged in any sort of specific overt act has been levelled against them, apart from the fact that no specific injury on the person of the deceased has been attributed to the petitioners. Lastly, it is submitted that similarly situated co-accused persons have already been granted bail by a coordinate Bench of this Court vide order dated



17.08.2019 passed in Criminal Misc. No. 51030 of 2019 as also some co-accused persons have been granted the privilege of anticipatory bail by this Court vide order dated 09.12.2019 passed in Criminal Misc. No. 80686 of 2019.

5. *Per contra*, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

6. Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioners and taking into account the materials available on record, this Court finds that a general and omnibus allegation has been levelled against the petitioners and the petitioners have not been alleged to have engaged in any specific overt act, as is also apparent from the case diary, which has been produced before this Court, apart from the fact that similarly situated co-accused persons have already been granted the privilege of regular/anticipatory bail by a coordinate Bench of this Court/this Court, hence I deem it fit and



proper to admit the petitioners to the privilege of bail, however, subject to certain conditions.

7. Accordingly, the petitioners, above named, are directed to 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 learned C.J.M., Aurangabad (Bihar) in connection with Madanpur P.S. Case No. 112 of 2019.

8. It is further directed that the petitioners shall mark their attendance before the Officer In-Charge of the concerned Police Station at 10:00 A.M. on every Monday of the week, starting from the day they are released from custody and in the event of their failure to do so on two consecutive occasion, the present privilege of bail being extended to them shall stand cancelled automatically and the petitioners shall be liable to be taken into custody forthwith.

(Mohit Kumar Shah, J)

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