

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3364 of 2025

Arising Out of PS. Case No.-287 Year-2024 Thana- MADANPUR District- Aurangabad

Shiwan Bhuiyan @ Shivam Bhuiyan S/o Tilak Bhuiyan @ Tilak Ram R/o
Village- Charaiya Neema Ajan, P.S- madanpur, District- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Mukul Kumari, Advocate

For the Opposite Party/s : Mr. Rajendra Singh, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

7 13-05-2025 Heard learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

2. The petitioner seeks regular bail in connection with Madanpur P.S. Case No. 287 of 2024 registered for the offences under Sections 109 and 3(5) of BNS and subsequently converted to 103(1), 30(a) and 32(3) of BNS.

3. The prosecution story in short is that while the informant's brother was sleeping in his courtyard, the accused persons assaulted his brother with an axe causing injury to the right side of his head. He raised hulla upon which his wife and daughter-in-law reached there and saw the accused persons having axe in their hand and thereafter they fled away. Later on



he died in course of treatment.

4. Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case. There is no eye witness to the occurrence. There is no eye witness to the occurrence. It is further alleged that no incriminating material has been recovered either from the possession or from the house of the petitioner. There is delay of seven days in lodging of the FIR without any valid reason. The learned counsel for the petitioner next submits that one Pratima Kumari had earlier given a fardbeyan on 24.07.2024 at Om Fortis Hospital and had named one Shivman Bhuiyan and Ajay Bhuiyan to have assaulted her father-in-law with Kulhari and Fasuli respectively. However, the said Fardbeyan mysteriously not formed the basis of the present case and as an after thought a written report was submitted after 7 days of the incident. After 15 days of the alleged occurrence the victim died hence Section 103(1) BNS was added. It is lastly submitted that the petitioner has antecedent of one criminal case and he is languishing in custody since 18.10.2024.

5. Learned counsel for the State has opposed the



prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances of the case and taking into account the fact that there is no specific allegation against the petitioner and that there is delay of seven days in lodging of the FIR, let the petitioner above-named be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Aurangabad in connection with Madanpur P.S. Case No. 287 of 2024 subject to the conditions that

- a. One of the bailors of the petitioner shall be her close relative.
- b. The petitioner shall remain physically present in Court on each date of the trial.
- c. In case of absence on two consecutive dates, or in violation of the terms of the bail and if the prosecution is found involvement of the petitioner in similar nature of offence, the bail bond of the petitioner will be liable to be canceled by the Court concerned.
- d. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court



below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Sourendra Pandey, J)

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