

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48840 of 2014

Arising Out of PS.Case No. -79 Year- 2013 Thana -MEERGANJ District- PURNIA

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1. Gera Tuddu Son of Late Rajo Tudu resident of village - Sabaiya, P.S.
Mirganj, District - Purnea

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Jha, Advocate

For the Opposite Party/s : Mr. Rita Verma(APP)

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

3 26-03-2015

Heard learned counsel for the petitioner as well as
learned APP for the State.

On account of missing of Madhu Hansda earlier,
informant, Jitan Hansda had given a Sanha on 22.10.2013.
Subsequently thereof, he came to know that Madhu Hansda was
taken away by Harimangal Mandal towards village-Kawaiya and
Prabhunath Rawani, Das Murmu and Tippan Rishi have had seen
them. Accordingly, they went to Harimangal Mandal who
disclosed that Madhu Hansda had gone to his Sasural, at village-
Kawaiya. Then, he went to village-Kawaiya wherefrom he came
to know that Madhu had not come. Again, during course of search,
he came to know that Madhu was found in the company of Hanju
Marandi. Accordingly, Hanju Marandi was inquired about who
disclosed that Madhu Hansda was along with him but



subsequently thereof, had gone to the house of Munia Devi and then Munia Devi was inquired about who disclosed that about 10:00 p.m. Madhu had come to her place and on account thereof, she had locked him in a room. Thereafter, she had opened the room. On that very day, her husband Babulal Marandi was also there and since then, Madhu is missing. Accordingly, Panchayati was convened and during course thereof, Gera Tudu (petitioner) had confessed in *Santhali* that he had murdered Madhu.

It has been submitted on behalf of the petitioner that although, charge-sheet has already been submitted against him, save and except, aforesaid alleged inculpatory extra-judicial confessional statement nothing more remains. Furthermore, it has been submitted that none of the witness had claimed to have seen Madhu in the company of the petitioner. It has further been submitted that in true sense, though a story has been flashed but had there been truthfulness in the story, any of the villager would have disclosed that they had seen Madhu in company of any of the accused. So far petitioner is concerned, all of a sudden, his name appeared at the stage of so alleged Panchayati without any substantive corroboration. Also submitted that petitioner happens to be under custody since 28.08.2014.

On the other hand, learned APP opposed the prayer

for bail and submitted that there happens to be inculpatory extra-judicial confessional statement before the public which is admissible in the eye of law.

Taking into account nature of allegation, petitioner, Gera Tuddu is directed to be released on bail on furnishing bail bond of Rs.10,000/- with two sureties of the like amount each to the satisfaction of Sri Rajendra Kumar Sinha, Judicial Magistrate-1st Class, Purnea/successor in the office in connection with Mirganj PS. Case No. 79/2013.

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(Aditya Kumar Trivedi, J)

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