

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26780 of 2019

Arising Out of PS. Case No.-319 Year-2018 Thana- DHAMDAHA District- Purnia

MANOJ TUDDU @ MANOJ MARANDI, aged about 41 years, Gender- Male, Son of Sikraha Tuddu @ Suraj Marandi Resident of Village - Andi Tola, Dhamdaha, P.S.- Dhamdaha, Distt - Purnea.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Mukesh Kumar Jha, Advocate.
For the Opposite Party : Mrs.Nirmala Kumari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 24-04-2019 Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner is languishing in custody since 06.12.2018 in a case for the offence registered under Sections 302 and 201/34 of the IPC.

The prosecution story, in brief, is that on 04.11.2018 at about 6.00 P.M., the informant Sikandra Mandal was returning to his house from Vishanpur Hat. In the meantime, his younger brother Shiv Kumar Mandal, who was standing on Vishanpur Chawk for cycle. When he reached near Gita Bari Mango Orchard, Manoj Tuddu (petitioner), Ram Lal Tuddu, Tala Tuddu and Rama Marandi and two unknown persons, who were watching the Football Match, requested his brother to



participate in the party which was going to be celebrate at the house of Nilam Devi. They brought the informant's brother to the house of Nilam Devi situated at Aadivasi Tola, Sikraha. The informant went to his house. After one hour, his brother Shiv Kumar informed him by his mobile that he was being killed. He also requested to arrive there soon. Shiv Kumar also requested his Sadhu Shyam Lal Mandal on his Mobile to rescue him. On being asked about the place, he replied about the house of Nilam Devi. Thereafter, the informant and all members of his family arrived at the house of Nilam Devi but his brother and members of that house except Nilam Devi were not found there. The informant enquired about his brother from Nilam Devi, she became adamant to assault them. Thereafter, they started to search Shiv Kumar but he was not found anywhere. On the next date, in the noon, the dead body of Shiv Kumar was found in Pokhar near Vishanpur Kali Asthan.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. There is no eye witness to the alleged occurrence.



Merely on the basis of suspicion, the petitioner has been made accused in the present case. Except for suspicion, neither there is any substantive evidence to suggest the implication of the petitioner in the present case nor there is any circumstantial evidence to suggest the participation of the petitioner in the present case.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M. Purnea, in connection with Dhamdaha P.S. Case No. 319 of 2018.

(Sudhir Singh, J)

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