

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69912 of 2019

Arising Out of PS. Case No.-42 Year-2018 Thana- JAIPUR District- Banka

1. Bhudeo Mandal Son of Hemlal Mandal Resident of Village - Paharpur, P.S.- Jaipur, District- Banka
2. Shukar Tuddu @ Shukar Tuddu Son of Deva Tudu Resident of Village - Hajari, P.S.- Jaipur, District- Banka

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Brij Nandad Prasad, Advocate
For the Opposite Party : Mr.Uday Chand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 27-11-2019 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

The petitioners seek pre-arrest bail in connection with Jaipur P. S. Case No. 42 of 2018 registered under Sections 302 and 379 read with 34 of the Indian Penal Code.

At the outset, learned counsel for the petitioners submitted that during the pendency of the application, petitioner no. 2, namely, Shukar Tuddu @ Shukar Tuddu has already been arrested.

In that view of the matter, the application for grant of pre-arrest bail on behalf of petitioner no. 2 has become infructuous.



Accordingly, the application on behalf of petitioner no. 2, namely, Shukar Tuddu @ Shukar Tuddu is dismissed as infructuous.

As far as petitioner no. 1 is concerned, learned counsel for the petitioner submitted that the husband of the informant was lying dead for which an information was given by the informant to the police whereafter U.D. Case No.113 of 2018 was registered and post mortem examination of the body of the deceased was done. In U.D. case, the informant did not raise any suspicion against any one and she alleged that her husband was lying on the cot and when she went there, he did not wake up. Thereafter, she became suspicious and, thus, information was passed on to the police. He further contended that though the alleged death of the husband of informant had taken place on 17.08.2018, a complaint was filed belatedly on 04.09.2018 which was sent to the police in exercise of power under Section 156(3) of the Code of Criminal Procedure by the Chief Judicial Magistrate, Banka pursuant to which FIR has been instituted wherein changing the initial statement, a concocted story has been narrated.

Learned Additional Public Prosecutor for the State has opposed the prayer for grant of pre-arrest bail to the petitioner.



Considering the submission especially the fact that for an occurrence of 17.08.2018, initially a U.D. case was instituted in which no suspicion was raised against the petitioner and belatedly a complaint was filed, which was sent to the police for investigation, in the event of arrest or surrender before the court below, the petitioner no.1, namely, Bhudeo Mandal is directed to be released 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 learned Additional Chief Judicial Magistrate-1, Banka in Jaipur P. S. Case No. 42 of 2018, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Ashwani Kumar Singh, J)

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