

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5073 of 2021

Arising Out of PS. Case No.-95 Year-2020 Thana- JHAJHA District- Jamui

1. Anil Tuddu aged about 26 years Son Of Kaliya Tudu Resident Of Village Badla, Jhikulia, P.S- Belhar, Distt- Banka , Bihar
2. Brij Lal Tudu aged about 28 years Son Of Jhari Tudu Resident Of Village Suardobh, Jhikuliya, P.S- Belhar, Distt- Banka, Bihar

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Pankaj Kumar Sinha, Advocate

For the Opposite Party : Mr. N.Ansari, Addl Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 22-06-2021 This matter is taken up for consideration through
Video Conferencing.

Heard learned counsel for the petitioners and the
State.

Petitioners seek bail in a case registered for the offence
punishable under section 302 and other ancillary sections of the
Indian Penal Code.

As per the prosecution case, informant's husband
went to Basmata by Auto rickshaw but he did not return.

Learned counsel for the petitioners submits that from
the FIR it is evident that there is no eye witness to the
occurrence and the petitioners' name have come in the case



during course of investigation on the basis of call details report, mentioned in paragraph 16 of the case diary as well as on the basis of informant's statement in which she has named them on the basis of suspicion. Informant, in her section 164 Cr.P.C. statement, recorded in paragraph 49 of the case diary, has suspected that at the relevant time petitioners and other accused persons named therein were in touch with her husband on his mobile phone. Besides this, no other incriminating material has come against them. Test Identification Parade has not been carried out till date. Petitioners have got clean antecedent as stated in paragraph 3 of the bail petition. Petitioners are in custody since 11.6.2020.

Learned counsel for the informant and the State oppose the prayer for bail.

Considering the rival submissions of the parties, materials available on the record and the fact that no incriminating material has been collected against the petitioners, they have clean antecedent and are in custody since 11.6.2020, let the petitioners, mentioned above, be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Jamui in Jhajha Police Station Case



No. 95 of 2020 on the following conditions:-

(1) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Prabhat Kumar Singh, J)

Shashi

U		T	
---	--	---	--

