

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6050 of 2021

Arising Out of PS. Case No.-210 Year-2018 Thana- KHAIRA District- Jamui

=====

DHARMA MURMU @ DHARAM MURMU @ DHARMI TUDDU @
DHARAM TUDDU S/o Chhotu Murmu @ Chhotka Tuddu @ Chhotu Tuddu
R/o village- Sakdari, P.S.- Khaira, District- Jamui

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Amrendra Kumar, Advocate.

For the Opposite Party/s : Mr. Anzarul Haque Sahara, APP.

=====

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 16-04-2021 Heard learned counsel for the petitioner and learned A.P.P.
for the State through virtual court proceeding.

Learned counsel for the petitioner undertakes to remove the defects within four weeks of resumption of normal court proceeding. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioner seeks bail in connection with Khaira P.S. Case No. 210/2020, registered for the offence punishable under Sections 147, 148, 149, 458, 341, 342, 323, 324, 302, 506, 120 (B) of the Indian Penal Code and 27 of the Arms Act and under Sections 16, 17, 18, 19, 20, 21, 22 of U.A.P Act.

As per the prosecution case, on 01.06.2018 at about 10



P.M., in the night forty to fifty *Naxals* came to *Khalari* village and surrounded the village and entered the house of *Ritlal Yadav* and opened fire upon him, as a result of which he died on the spot. On the confidential report it has come that Nineteen FIR named *Naxals* and Twenty Five to Thirty unknown *Naxals* were involved in this occurrence, three *Khokha* of S.L.R, Two *Khokhas* of A.K. 47, Forty Poster of *Naxali* Slogan were seized. It is further alleged that deceased *Ritlal Yadav* was killed due to suspicion activities against the *Naxalis*.

It is submitted by learned counsel for the petitioner that petitioner has falsely been implicated in this case and has not committed any offence as alleged in the FIR. He is quite innocent and has been falsely implicated in this case due to village politics. He submits that no body has seen the occurrence and nothing has not come to deposition against anybody including the petitioner. He submits that as per the *fard-beyan*, the informant has not named the petitioner as culprit, who opened fire upon the deceased rather he stated that other nineteen accused persons and twenty to thirty unknown *Naxalis* have opened fire and killed the deceased. No incriminating article has been recovered from his conscious physical possession and no T.I.P. has been done till date. The



allegation levelled against the petitioner is not specific rather general and omnibus in nature. The petitioner has no criminal antecedent as has been mentioned in Para 3 of the bail application and he is languishing in custody since 15.05.2020.

Learned APP for the State opposed the bail petition.

Considering the facts aforesaid, the above named petitioner is directed to be enlarged on bail, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending in connection with Khaira P.S. Case No. 210 of 2018.

(Anjani Kumar Sharan, J)

GAURAV S./-

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

