

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19060 of 2022

Arising Out of PS. Case No.-182 Year-2021 Thana- SARSI District- Purnia

Hopan Tudu @ Happan Tudu @ Rakesh Tudu Son Of Shobha Tudu R/O Village- Baghmara Sugalia Tola, Ward No.-5, P.S.- Sarsi, District- Purnia

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Dr. Bidhu Ranjan, Advocate
	:	Mr. N.K. Agarwal, Sr. Advocate
	:	Mr. Saurav Anand, Advocate
	:	Mr. Sumit Jha, Advocate
For the State	:	Mr. Anil Kumar Singh.1, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 13-12-2022 Heard learned counsel appearing on behalf of the petitioner and learned APP appearing on behalf of the State through virtual Court proceedings.

The petitioner seeks bail in connection with Sarsi P.S. Case No.182 of 2021 registered for the offence under Sections 302 and 34 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in custody since 24.12.2021.

The allegation against the petitioner is to commit murder of the mother of informant when deceased refused to pay favor of sexual advancement placed by petitioner.

Learned senior counsel appearing on behalf of the pe-



petitioner submitted that informant is not the eye witness of the occurrence and as petitioner was frequent/regular visitor to the house of the deceased, implicated falsely in the present case purely on the basis of suspicion. It is also submitted that even only eye witness, namely, Hasina Murmoo, who was available in the house is not the eye witness of the occurrence or noticed anything, which may suggest involvement of this petitioner. It is also submitted by learned senior counsel that alleged cycle, which was recovered is not connected in any manner with this petitioner and moreover as per seizure list, said bicycle was recovered beside the house of the informant/deceased, otherwise having no bearing over the merit of the case. While concluding the argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, opposes the prayer for bail.

In view of the facts and circumstances as mentioned above as implications of petitioner is based upon suspicion, where petitioner is in custody since, 24.12.2021 coupled with the fact that chargesheet has already submitted, let above named



petitioner directed to be released on bail in connection with Sarsi P.S. Case No.182 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Purnea/concerned court, subject to following conditions:-

(i) That accused/petitioner shall co-operate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner, duly supported by the documents.

(ii) That one of the bailors shall be deponent of the present bail petition.

(Chandra Shekhar Jha, J)

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