

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44322 of 2021**

Arising Out of PS. Case No.-201 Year-2020 Thana- KHARHAGPUR District- Munger

BABLU TUDDU, Son of Raman Tuddu Resident of Village - Kandani, P.S. -
Kharagpur, District - Munger.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Shyam Kumar Singh, A.P.P

**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER**

3 21-03-2022 Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

Let the defect(s) be removed within two weeks of
the complete start of the physical Court in normal course.

The petitioner, who is in custody since 02.10.2020,
seeks regular bail in connection with Kharagpur P.S. Case No.
201 of 2020, for the offence punishable under Sections 147,
148, 149, 120(B), 121(A), 124(A) and 307 of the Indian Penal
Code, Section 27 of the Arms Act and Sections 10, 13, 16, 20
and 21 of the U.A.P.A Act.

The prosecution case, in brief, is that on
02.08.2020 at about 13.05 hours the informant received secret
information that some Naxalites have assembled at Harkund
Forest for committing crime. On this information, the informant
along with other Police personnel arrived there and asked them



to surrender to which they retaliated by resorting to indiscriminate firing upon the Police party. It is alleged that Police party, in defence, also opened fire at them but the accused persons managed to flee away.

Learned counsel appearing on behalf of the petitioner submits that petitioner is innocent and he has falsely been implicated in this case. He submits that petitioner has been roped in the present case on the basis of confessional statement made by one co-accused Sunil Kora in the Police custody. He further submits that nothing has been recovered from the possession of the petitioner or from his house. The petitioner is in custody since 02.10.2020 and has clan antecedent and is entitled to be released on bail.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner.

Considering the above mentioned facts and circumstances of the case having perused the allegation made in the F.I.R. it appears that there is general and omnibus allegation against all the accused persons, including the petitioner, as well as in absence of any material to show intention on the part of the accused to further the activities of naxals, the Superintendent of Police, Munger, is directed to furnish criminal antecedent report of the petitioner from the neighbouring States i.e. Jharkhand and Chhattisgarh within a period of two months and produce the



same before the trial Court. In case petitioner is not involved in any other case, the Court below upon, prima facie, being satisfied may enlarged the petitioner, above named, on furnishing bail bond of Rs. 25,000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M-IV, Munger in connection with Kharagpur P.S. Case No. 201 of 2020 (G. R. 1510 of 2020), subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

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

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

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