

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70365 of 2021

Arising Out of PS. Case No.-223 Year-2021 Thana- BARHARA KOTHI District- Purnia

1. Sumit Kumar Marandi, Son of Nayaka Marandi.
2. Batan Lal Marandi, S/o Mangal Marandi.
Both resident of Village- Sahwan Khunt, P.S. Barhara Kothi, District-
Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kumar Uday Singh, Adv.

For the Opposite Party/s : Mr. Raj Ballabh Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 24-05-2022 Heard learned counsel for the parties.

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

The two petitioners are in judicial custody in
connection with Barhara P.S. Case No.223 of 2021 instituted
under Sections 302, 307, 120B/34 of the Indian Penal Code.

As per the FIR, the allegation is that the accused
persons surrounded one Sanjay Kumar Tuddu and at the
instance of these petitioners, it is alleged that accused Tallu
Soren opened fire which resulted into the injury of Sanjay
Kumar Tuddu. He was taken to the hospital where he
succumbed to the injuries.

Learned counsel for the petitioners submit that
specific allegation has been levelled against one Tallu Soren that



he opened fire which resulted into the injury and subsequently death of Sanjay Kumar Tuddu. So far as the petitioner no.1 is concerned, he submits that his role has been only alleged to be that of an order giver. Regarding petitioner no.2, learned counsel for the petitioners submit that he has only been shown to be part of the mob. He lastly submits that both the petitioners are in jail since 17.07.2021 (as stated in para-12 of the bail application).

Considering the fact that the role of petitioner no.1 is that of an order giver, the petitioner no.2 has been shown as part of the mob and specific allegation has been levelled against Tallu Soren that he opened fire which resulted into the death of Sanjay Kumar Tuddu as also the fact that both the petitioners are in jail since 17.07.2021, this Court is inclined to grant them privilege of bail.

Let both the petitioners be released on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of the like amount each in connection with Barhara P.S. Case No.223 of 2021 to the satisfaction of learned Judicial Magistrate, Purnea/successor court, subject to following conditions:

(i) one of the bailor should be the family member of the petitioners, who shall provide official document to show



his/her bona fide;

(ii) the petitioners shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reasons will entail cancellation of their bail by the Trial court itself;

(iii) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Prakash Narayan /-

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