

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60424 of 2024

Arising Out of PS. Case No.-105 Year-2024 Thana- FATUA District- Patna

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Tittu @ Ashish Daulvi @ Titu @ Aashish Dalbi, son of Nanda Prasad,
village- Gauri Pundah, P.S.- Fatuha, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Vaishnavi Singh, Advocate

For the Opposite Party/s : Mr. Sateyendra Narayan Singh, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 26-10-2024 Heard Ms. Vaishnavi Singh, learned Advocate for the

petitioner and learned APP for the State.

2. The petitioner seeks regular bail, who is in custody
in connection with Fatuha P.S. Case No. 105 of 2024 registered
for the offence punishable under Section 302 of the Indian Penal
Code.

3. Based upon the fardbeyan of the informant, it is
alleged that in the fateful night of 17.02.2024, the son of the
informant went to attend the nature call and when he came to his
house, he was badly injured. The injured son of the informant
was taken to the nearby hospital, from where he was referred to
P.M.C.H., Patna, but finally succumbed to the injuries on
19.02.2024. The F.I.R. has been instituted against unknown
persons. The informant disclosed that some of the co-villagers,



including Mantu Thakur and wife of Karu Thakur have knowledge about the said incident, but out of fear they are not disclosing the same.

4. Learned Advocate for the petitioner primary contended that admittedly the occurrence took place in the fateful night of 17.02.2024, but the fardbeyan of the informant was recorded on 20.02.2024 at P.M.C.H., Patna. The said Mantu Thakur and wife of Karu Thakur, whose names have been disclosed in the farbeyan, their statements have been recorded during the course of investigation, but they did not even suspected the name of the petitioner. Later on, during the course of investigation, one of the spy of the police disclosed that the petitioner, who was indulged in the trade of illicit liquor, used to give threatening to all that if anyone come in his way, he will eliminate him. The statement of all the family members of the informant was also recorded, but none of them have made even any suspicion against the petitioner, after the disclosure made by the spy, all the family members have also suspected the complicity of the petitioner in the crime. It is lastly contended that be that as it may now the investigation of the crime is complete and charge-sheet has been submitted. The petitioner has been incarcerated since 30.03.2024.



5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that in course of investigation, the police also collected the tower location of some of the suspected mobile phones and one of the mobile phone also belonged to the petitioner. The witnesses have disclosed the name of the petitioner as the suspect.

6. Regard being had to the submissions made on behalf of the parties and considering the materials available on record, especially the fact that the entire case is based on suspicion, coupled with the investigation of the crime being complete and charge-sheet has been submitted, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Patna City, Patna in connection with Fatuha P.S. Case No. 105 of 2024, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.



(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) The court below shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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