

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62701 of 2024

Arising Out of PS. Case No.-186 Year-2023 Thana- MIRGANJ District- Purnia

Sanjay Tuddu S/o Late Babulal Tuddu @ Babulal Hansda R/o vill - Fultola
Pakdia, ward no. 11, P.S. - Mirganj, Distt. - Purnia, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nishant Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 20-11-2024 Heard the learned Advocate for the petitioner and the
learned APP for the State.

2. The petitioner seeks regular bail, who is in custody
in connection with Mirganj P.S. Case No. 186 of 2023,
registered for the offence punishable under Sections 302/34 of
the Indian Penal Code.

3. Based upon the *fardbeyan* of the informant, the
prosecution alleges that the informant received an information
that her mother has been killed by someone. On the aforesaid
information, the informant rushed to the place where her mother
had been living and found her dead body. Later on, she came to
know that her mother was killed by the petitioner and one
Bhagmat Hembram. It is also alleged that while the petitioner
and another accused persons were fleeing from the place of



occurrence, the local peoples also saw them.

4. Learned Advocate for the petitioner drawing the attention of this Court to the FIR primarily contended that the informant is not an eyewitness to the alleged occurrence. The entire case is based upon suspicion that the petitioner and the co-accused were found fleeing from the place of occurrence. Save and except the suspicion, there is no material suggesting the complicity of the petitioner in the crime. It is further contended that though during the course of investigation, it has come that while the petitioner was fleeing from the place of occurrence, the independent witnesses have found some blood stains over his t-shirt, which was later on recovered from the place of occurrence and sent to Forensic Science Laboratory, but till date, the report has not come. It is also the contention of the petitioner that now the charges have already been framed and, as such, there is no chances of absconding of the petitioner and tampering with the evidences. The petitioner undertakes that he will fully co-operate in the proceeding of the Court.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that during the course of investigation, the statement of the independent witnesses were recorded and they categorically stated that on



hearing the screaming of the deceased, they rushed to the place of occurrence and found that the petitioner along with one another person were fleeing from the place of occurrence. The complicity of the petitioner cannot be denied, as the witnesses have found blood stains on the t-shirt of the petitioner.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the witnesses are only on the point of fleeing away from the place of occurrence and the time of death shown in the post-mortem report, *prima facie*, does not corroborate with the actual time of death, coupled with the fact that the charges have been framed and now the petitioner has been incarcerated for over a period of one year, 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 Chief Judicial Magistrate, Purnea in connection with Mirganj P.S. Case No. 186 of 2023, 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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