

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5820 of 2025

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

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Birendra Bashki S/o Babulal Bashki @ Babulal Baski R/o vill - Maliniya
Baghmara, P.S. - Sarsi, Distt.- Purnia

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manish Kumar, Adv

For the Opposite Party/s : Mr. Arun Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 07-02-2025 Heard learned counsel appearing on behalf of the

petitioner and learned APP appearing on behalf of the State.

2. 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.

3. The accused/petitioner is named in the F.I.R.

and is in custody since 17.06.2024.

4. The allegation against the petitioner is to

commit murder of the mother of informant when deceased

refused to favor sexual advancement of petitioner and other

accused persons.

5. Learned counsel appearing on behalf of the



petitioner submitted that informant is not the eye witness of the occurrence and his name transpired on the basis of confessional statement of co-accused namely Hopan Tudu @ Happan Tudu @ Rakesh Tudu, where in furtherance of which no incriminating material was recovered/surfaced during the course of investigation, so as to connect this petitioner *prima-facie* with the present occurrence of murder. It is submitted that save and except suspicion nothing survives against this petitioner, who is a man of clean antecedent. It is further submitted that aforesaid co-accused has already granted bail by this Court through Cr. Misc. No. 19060 of 2022 vide order dated 13.12.2022. While concluding the argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has already submitted, as such, there is no chance of tampering with the evidence.

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

7. In view of the facts and circumstances as mentioned above as implication of petitioner is based upon confessional statement of co-accused, where *prima-facie*,



nothing incriminating surfaced to connect this petitioner with present crime in question, where petitioner is in custody since, 17.06.2024, accordingly 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 Sessions Judge, Purnea/concerned court, subject to the condition as mentioned under Section 437(3) of the Cr.P.C./Section 480(3) of the BNSS.

(Chandra Shekhar Jha, J.)

S.Tripathi/-

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