

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76459 of 2024

Arising Out of PS. Case No.-71 Year-2024 Thana- BADHAILA District- Rohtas

=====

Tunu Kumar S/o- Ramashish Singh Resident of Village-Pachpokhari PS-
Baghaila District- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Ashutosh Tripathy

For the Opposite Party/s : Mr.Mritunjay Kumar Nirala

=====

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 17-04-2025 Heard learned counsel for the petitioner, and the

State.

2. Petitioner apprehends his arrest in connection with

Baghaila P.S.Case No. 71 of 2024 registered for the offences

punishable under Sections 302, 201,120B of the Indian Penal

Code.

3. The allegation as disclosed in the FIR lodged by

the son of the deceased is that on 26.03.2024 at around 9 p.m

the informant's father(deceased) had left his house for attending

a call of nature but did not return home. Despite frantic search

for the deceased nothing could be found out.

4. Learned counsel for the petitioners submits that so

far as FIR is concerned, it is evident that the same has been

lodged against unknown and no suspicion has been raised upon



anyone with regard to missing of the informant's father. It has further submitted that there is no eye witness to the case and the name of the petitioner has transpired in the confessional statement of one Munni Devi recorded in paragraph-37 of the case diary, who has also stated that she was having illicit relationship with the deceased, which was not acceptable to her family members and her agnates and they used to protest such relationship. It is stated that on the fateful night, when the deceased, come to her house at 9.p.m, her family member and agnates being Surendra Singh, Tunu Kumar(petitioner), Santosh Singh, Ritu Raj Kumar, Vikash Kumar and four to five unknown persons come to her house and assaulted the deceased and further took him away by strangulating his neck by towel. This statement of the co-accused was recorded on 30.03.2024 whereas the FIR was lodged on 27.03.2024.

5. Learned counsel for the petitioner also points out that the dead body of the deceased was recovered from a maze field on 29.03.2024, which would be evident of Para-21 and 23 of the case diary. It has also been submitted that besides the confessional statement of the lady with whom it is said that the deceased was having illicit relationship, there is no other witness, who has even found the petitioner around the vicinity



of the place of occurrence or who have even stated that they have last seen the deceased in the company of the petitioners.

6. Learned APP for the State opposes the anticipatory bail stating that there is an allegation that the present case is under sections 302, 365 of the IPC subsequently, converted into section 302 of the IPC on recovery of the dead body.

7. Taking into consideration all the above mentioned facts and circumstances also considering that the petitioner is a young boy and is pursuing his education and has no criminal antecedent, I am inclined to grant privilege of anticipatory bail to the petitioner. Accordingly, in the event of his arrest/ surrender within a period of four weeks from today the petitioners shall be released on bail on furnishing bail bonds of Rs 10,000/- (ten thousand)with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate , Rohtas at Sasaram in Baghaila P.S.Case No. 71 of 2024, subject to condition as laid down under Section 438(2) of the Cr.P.C and subject to the further condition that the petitioner shall co-operate in investigation/ trial.

(Soni Shrivastava, J)

N.K/-

U		T	
---	--	---	--

