

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87540 of 2024

Arising Out of PS. Case No.-117 Year-2024 Thana- MIRGANJ District- Purnia

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1. Sanjay Murmu S/O Late Kripa Murmu R/o- Amnaha Ward No-09, P.S. Mirganj, Distt- Purnea.
 2. Tallu Murmu S/O Late Kripa Murmu R/O Amnaha Ward No. 09, P.S- Mirganj, Dist.- Purnea.
 3. Ram Prasad Murmu S/O Late Kripa Murmu R/o- Amnaha Ward No-09, P.S. Mirganj, Distt- Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. N.K. Agrawal, Sr. Advocate
	Mr. Arvind Kumar, Advocate
For the Opposite Party/s :	Mr. Zainul Abedin, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

5 08-05-2025 Heard learned Senior Counsel for the petitioners and the learned Additional Public Prosecutor for the State.

2. The petitioners seek regular bail in connection with Mirganj P.S. Case No. 117 of 2024 registered for the offences punishable under Section 103(1) and 3(5) of B.N.S.

3. As per the FIR, while the son of the informant namely, Milan Yadav went to the field, did not return. Subsequently it was informed by the villagers that he had been killed and thrown in the canal, upon which he reached there and saw that his son was lying dead. They reached the house of Sanjay Murmu (petitioner), Mosam Devi, Tallu Murmu and Ramprasad Murmu then on getting information, police came



and on opening the house a foul smell was coming from the house. It is further alleged that his son was murdered by the above four persons and 3-4 unknown under a conspiracy by strangulating him at home and pouring hot water over his body and then thrown it in the canal.

4. Learned Senior Counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in the case. They have been made accused only due to cast rivalry between the two communities. It is further submitted that the petitioners have not disclosed the name and mobile number of the villagers who had given information to him about the alleged murder. There is no eye witness to the occurrence and even if the statement of the witness which was taken during the course of investigation and as contained in para 12 of the case diary it is evident that even the said witness was not an eye witness to the factum of the murder of the deceased Millan Yadav. The allegation is based on surmises and conjecture. In fact the victim died due to shock as a result of burn. No incriminating material was recovered from the house of the petitioners. It is lastly submitted that the petitioners have clean antecedent and they are in custody since 09.09.2024.

5. The learned APP for the State has vehemently opposed



the prayer for bail.

6. Considering the aforesaid submissions made by the parties and taking into account that there is no eye witness to the occurrence and the petitioners are in custody since 09.09.2024, let the petitioners, above named, be released on bail on each of them furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the court of the learned Additional Sessions Judge 1st Purnea in connection with Mirganj P.S. Case No. 117 of 2024 subject to the following conditions:-

(i) One of the bailors will be a close relative of the petitioners.

(ii) The petitioners will remain present on each and every date fixed by the Court below, if so required by the learned Trial Court.

(iii) In case the prosecution is found the petitioners' involvement in similar nature of allegation after his release and in case of absence on two consecutive dates or in violation of the terms of the bail, the bail bond of the petitioners will be liable to be cancelled by the Court concerned.



(Sourendra Pandey, J)

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