

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24773 of 2026

Arising Out of PS. Case No.-303 Year-2025 Thana- BARARI District- Katihar

=====

Tallu Murmu Son of Late Durga Murmu Resident of Village - Thuthi Bag
Sukhasan, P.S.- Barari (Semapur), District – Katihar. Petitioner/s
Versus

The State of Bihar Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Pawan Kumar Singh

For the Opposite Party/s : Mr.Upendra Kumar

=====

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 15-07-2026 Heard the parties.

2. The petitioner seeks bail in connection with Barari P.S.

Case No. 303/2025 registered for the offence under Sections 103(1)
of the BNS.

3. The petitioner is named in the F.I.R. and is in custody
since 21.09.2025.

4. The allegation against the petitioner is to commit
murder of his wife.

5. Learned counsel appearing on behalf of the petitioner
submitted that domestic quarrel was the routine feature in the house
of petitioner, as it is evident from the FIR and from different
witnesses mouth as surfaced during the course of investigation. It is
submitted that during one such quarrel, some scuffling took place in
which, wife of petitioner fell to the ground receiving head injuries,
leading to her death. It is submitted that same is apparent from the
post-mortem report also that except head injury no injury was found
on her body parts, particularly in view of allegation that she was
brutally assaulted. It is submitted that only eye-witness of the



occurrence is 7 year old girl child of the deceased and petitioner, who stated during investigation that after scuffling and quarrel, her father and mother went for sleeping and when in midnight she came to her mother, she was not responding as she was dead by that time. It is submitted that the act of petitioner categorically suggest that he was not under intention to cause death of his wife and allegation as raised against this petitioner is maximum of culpable homicide not amounting to murder. While concluding the argument, it is submitted that as petitioner is in custody for about 10 months and not even a single witness was examined in this case, suggesting trial of this case is not likely to conclude in the near future and moreover, investigation of this case is already completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence. Petitioner claimed clean antecedent.

6. Learned APP while opposing the prayer of bail submitted that allegation is specifically available against this petitioner and after forensic examination blood stain was found on bamboo log and stick. It is submitted that minor daughter of the deceased and petitioner is the eye-witness to the occurrence, but he could not disputed the submission as advanced by the learned counsel for the petitioner that after quarrel petitioner and deceased went to their bed. Learned APP could not dispute slow progress of trial.

7. Regarding progress of trial a report was called for by



this court, which made available to this court through report dated 02.06.2026 vide Letter No. 466/2026 as issued from the court of learned District & Additional Sessions Judge-III, Katihar, where it is categorically mentioned that out of 7 charge-sheeted witnesses, not a single prosecution witness has been examined, till now.

8. In view of aforesaid factual submission and by taking note of fact as postmortem report prima-facie suggest that no injuries were found available on any body part except head/occipital area in the background that deceased was brutally assaulted by bamboo log and stick, coupled with fact as investigation of this case already completed where petitioner remains in custody for about ten months and not even single witness was examined suggesting that trial of this case is not likely to conclude in the near future, accordingly petitioner above named, is directed to be released on bail in connection with Barari P.S. Case No. 303/2025 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned District and Additional Sessions Judge-III, Katihar/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C/ Section 480(3) of BNSS.

(Chandra Shekhar Jha, J)

S.Tripathi/-

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

