IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52124 of 2026

CNR No. BRHC010734482026

Arising Out of PS. Case No.-214 Year-2025 Thana- BARHARA KOTHI District- Purnia

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Bishwanath Tuddu @ Vishwanath Tuddu S/o Kari Tuddu @ Kare Tuddu R/o Village - Bangthi Ward No. 7, P.S - Barhara Kothi, District - Purnea

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Kamlesh Kumar Pathak, Adv.
Mr. Sumit Kumar Bhagat, Adv.
For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE KUMAR MANISH

ORAL ORDER

5 18-11-2026 Heard learned counsel for the petitioner and learned APP for the State.

2. This is an application for regular bail to the petitioner who has been made accused in connection with Barhara Kothi P.S. Case No. 214 of 2025 registered for the offences punishable under Sections 103(1), 3(5) of the BNS.

3. As per the prosecution case, the accused persons including the petitioner have assaulted the father of the informant with *lathi*, *danda* etc. who subsequently died during the course of treatment.

4. Learned counsel for the petitioner submits that

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petitioner is quite innocent, has committed no offence and has falsely been implicated in this case. The allegations levelled are general and omnibus in nature and there is no specific allegation of assault against the petitioner. It is submitted that the petitioner is not an eye witness to the occurrence, the alleged occurrence took place at night and there is no source of identification. It is submitted that there is personal land dispute between the parties. Moreover, no particular weapon recovered nor any tangible material was collected during the course of investigation.

5. It is lastly submitted that it was sudden occurrence and there was no premeditated plan, hence, the intention to kill was not primary mens rea. Petitioner has clean antecedent and is languishing in judicial custody since 27.01.2026. Investigation has been completed, charges have been framed and trial has been started in this case.

6. Vide order dated 30.09.2026, a report was called for from the trial court for the stage of trial and vide letter no. 661 dated 09.10.2026, it has been reported that out of four witnesses one witness has been examined till date.

7. A Co-ordinate Bench of this Hon’ble Court has granted bail to the co-accused, namely, Manisha Devi vide order

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dated 15.01.2026 passed in *Cr. Misc. No. 88625 of 2025*. Other co-accused, namely, Lalita Devi has been granted bail vide order dated 20.02.2026 passed in *Cr. Misc. No. 88245 of 2025.*

8. Learned A.P.P. appearing on behalf of the State has vehemently opposed the prayer for bail of the petitioner.

9. Considering the aforesaid facts and circumstances of the case, the period of custody as also taking into consideration the materials available on record, let the petitioner, above named, 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 learned Chief Judicial Magistrate, Purnea/concerned court in connection with Barhara Kothi P.S. Case No. 214 of 2025, subject to following conditions:-

(i) one of the bailors should be the family member/close relative of the petitioner.

(ii) the petitioner shall co-operate in trial and will remain present on all dates personally or should be duly represented through his counsel and whenever required to be physically present by the court, he should physically appear in the court on that date.

(iii) if the petitioner tampers with the evidence or

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the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Kumar Manish, J)

Abhishek/-

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