

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42961 of 2015

Arising Out of PS.Case No. -37 Year- 2015 Thana -SC/ST PS District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. Mahesh Pandit Son of Chaturi Pandit
 2. Dinesh Pandit Son of Chaturi Pandit
 3. Ganesh Pandit Son of Chaturi Pandit
 4. Sonu Pandit Son of Mahesh Pandit
 5. Jitu Pandit Son of Mahesh Pandit
 6. Mangal Pandit Son of Ganesh Pandit

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Ambika Bhagat(Spl.App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 14-10-2015 Heard learned counsels for the petitioners and the

State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 302/201/34 of the Indian Penal Code and section 3(2) (v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

The prosecution case is that the son of the informant namely Rupesh Hazra had gone to Delhi with the petitioners for earning livelihood but they keep the son of the informant as

bonded labourer. Subsequently, when on the occasion of Holi the informant demanded for the wages, then found that accused killed the son of the informant on 29.04.2015.

It is submitted by learned counsel for the petitioners that there is nothing on record to suggest that the son of the informant went to Delhi in company of the petitioners or stayed there with the petitioners. The son of the informant met with an accident on 01.04.2015 at Delhi leading to registration of Pandey Nagar P.S. Case No. 214 of 2015 under sections 279/337 of the Indian Penal Code at the behest of one Pramod, son of Ashok, a friend of the son of the informant, who claimed that he was going with the victim namely Rupesh Hazra when he met with an accident on 01.04.2015 and died on 05.04.2015 during treatment. The victim was initially taken to Maulana Azad Medical College and, subsequently to Loknayak Hospital, Delhi. The post-mortem of the victim was done on 06.04.2015 which suggests that the dead body was identified by Rohit Kumar Paswan (cousin of the victim) and Rajesh Paswan (brother-in-law of victim). The doctor has opined the cause of death due to cranio-cerebral damage consequent upon blunt force trauma to the head possibly in a road traffic accident. Moreover, the victim died on 05.04.2015 but the FIR was registered on 02.06.2015 and statement has been made

in paragraph 3 of the petition that the petitioners have no criminal antecedent.

Considering the delayed lodging of the case when the informant and the family members of the informant were aware about the death of the victim on 05.04.2015 in a road accident, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Sadar at Motihari in connection with SC/ST Motihari P.S. Case No.37 of 2015, subject to the conditions as laid down under Section 438(2) Cr.P.C.

Ashwini/-

(Dinesh Kumar Singh, J)

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