

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17742 of 2016

Arising Out of PS.Case No. -2 Year- 2016 Thana -BARACHATTI District- GAYA

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Mahendra Bhuiyan son of Jhari Bhuiyan resident of Village- Silodar Police Station- Chouparan, District- Hazaribagh.

..... Petitioner/s

Versus

The State of Bihar

..... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Kumar Nikhil
For the Opposite Party/s : Mr. Madhuranand Jha(App)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 21-06-2016 Heard learned counsel for the petitioner as well as

learned Additional Public Prosecutor for the State.

The petitioner is apprehending his arrest in Barachatti P.S. Case No.2 of 2016 for the offences under Sections 147, 302, 120 (B) and 379 of the I.P.C.

The case diary in the present case which was called for has now since been received.

Learned counsel for the petitioner submits that from bare perusal of the F.I.R. itself it is evident that all the persons were seen singing and dancing in a drunken state in course of which some dispute arose regarding payment of D.J. for celebrating 'New Year' between the victim son of the informant and all the accused persons including the petitioner. Learned counsel has further pointed out that when the scuffle arose it was Punjabi Mandal and Dayanand Mandal who had actually picked

the victim boy and thrown him into the well.

Learned counsel for the State after perusal of the case diary has submitted that an independent witness has clearly stated that it was Punjabi Mandal and Dayanand Bhuiyan who had thrown the victim boy into the well whereas upon alarm the informant along with other persons of the vicinity rushed to save him and somehow they took him out from the well and they took him to the Primary Hospital where he was declared dead. It is also submitted that the deceased son of the informant was also in drunken state, as such, he could not be saved.

Considering the facts and circumstances of the case and that the petitioner was one of those accused persons who had not committed the overt act of throwing the victim son of the informant into the well and that the petitioner has clean antecedent, the petitioner, above named, in the event of his arrest or surrender before the court below within four weeks from today, be released on bail on furnishing bail bond of Rs.10,000/- with two sureties of the like amount each to the satisfaction of the S.D.J.M., Sherghati, in Barachatti P.S.Case No.02/16 subject to the conditions as laid down under Section 438(2) of Cr.P.C.

(Anjana Mishra, J)

AnilKrSinha/-

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