

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27412 of 2016

Arising Out of PS.Case No. -461 Year- 2015 Thana -KUDHNI District- MUZAFFARPUR

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Rajendra Mahto Son of late Ram Surat Mahto Resident of Village -
Thatiya, PS Kudhani, District Muzaffarpur.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Nachiketa Jha, Advocate

For the Opposite Party : Mr. Sri Ataur Rahman, APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 12-07-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is apprehending his arrest in connection
with Kudhani P.S. Case No. 461 of 2015 for the offences
instituted under Section 304 of the Indian Penal Code.

As per prosecution case, the informant alleging therein
that his son Birendra Sahani aged about 35 years went to Indaur
for job and was doing work for six months, he became ill and do
not want to work but the petitioner neither provide him money to
come home nor give leave to him. He further alleged that while his
son was coming on 23.12.2015 from Indore with his villagers, he
died at Turki.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. He has been made accused due to mistake of fact. The deceased had gone to work alongwith the petitioner to Indore. After six months, he returned home and subsequently died at his home. Except for that, there is no other material to suggest that the petitioner has committed any offence under Section 304 IPC.

On behalf of the State, it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named, be released on bail in the event of his arrest or surrender before the learned court below within a period of six weeks from today in connection with **Kudhani (Kudhani) (Turki O.P.) P.S. Case No. 461 of 2015** on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of **Shri Santosh Kumar Jha, Judicial Magistrate, Ist Class, Muzaffarpur**, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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