

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16107 of 2016

Arising Out of PS.Case No. -167 Year- 2013 Thana -SABAUR District- BHAGALPUR

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Dilip Kumar Das @ Dilip Das (Minor), son of Mannu Das, resident of Khankita, P.S.- Sabour, District- Bhagalpur, represented through the natural guardian and father Mannu Das, son of Lali Khukar Das, resident of Village: Khankita, P.S. Sabour, Dist., Bhagalpur.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Indeshwari Prasad Mandal, Advocate
For the State : Anuradha Singh (App)

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL ORDER

3 24-05-2016 Heard learned counsel for the petitioner and learned A.P.P. for the State.

Petitioner apprehends his arrest in a case filed under Sections 302, 201/34 of the Indian Penal Act.

It is contended on behalf of the petitioner that the tempo which was being boarded by Amit Kumar met with an accident and it turned turtle causing serious injury upon him and in fact his death is accidental which would be apparent from the discussion made by the Sessions Judge considering the material collected during the course of investigation. It is further submitted that from the same order it would also appear that the police has submitted charge-sheet against co-accused Devanand Thakur, Muna Sah and Suraj Mandal under Sections 279, 304 and 201/34

of the Indian Penal Code. However, with regard to others including the petitioner investigation was still going on as no material could be collected as against the petitioner. It is contended that in fact it was co-accused Muna Sah who was driving the vehicle and had delayed everything due to which Amit Kumar died even before he could be treated. Cause of death has been shown in the post-mortem report as the injury caused by hard and blunt substance indicating towards accidental death. It is further contended that petitioner is merely 14 years of age.

Having regards to the facts and circumstances of the case, in the event of arrest/surrender within a period of six weeks from today in Sabour P.S. Case No.167 of 2013, the above named petitioner, Dilip Kumar Das @ Dilip Das shall be released on bail on furnishing bail bond of Rs.10,000(Ten Thousand Rupees) with two sureties of the like amount each to the satisfaction of Sri R. Upadhya, Additional Chief Judicial Magistrate, Bhagalpur subject to the conditions as laid down under sub-section(2) of Section 438 of the Code of Criminal Procedure.

(Dr. Ravi Ranjan, J)

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