

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.58015 of 2018

Arising Out of PS. Case No.-55 Year-2018 Thana- ISUAPUR District- Saran

Manager Rai Son of Ram Janam Rai, a resident of Village - Nipaniyar, P.S.
Isuapur, District - Saran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Harish Kumar

For the Opposite Party/s : Mr. Suresh Prasad Singh

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 05-12-2018 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in a case
registered under Sections 302/34 of the Indian Penal Code.

The prosecution case, in short, is that petitioner Manager
Rai came to the house of the informant and demanded khaini
from Basudeo Rai, Bhaisur of the informant, and inquired about
Rajesh Rai, then Basudeo Rai stated that Rajesh Rai is sleeping
in the hut. Thereafter the accused persons including the
petitioner pushed the hut, due to which the hut was fallen and
Rajesh Rai died at the spot.

It has been submitted on behalf of the petitioner that the
petitioner has got no criminal antecedent. There is no allegation
of tampering of witnesses alleged against the petitioner. The



petitioner has been made accused due to mistake of fact as during demolition work of the hut of the deceased, he sustained injury and subsequently died. At best it is a case for an offence under Sections 304 or 304A of the I.P.C. No offence under Section 302 of the I.P.C. is made out.

On behalf of the State, it is submitted that the petitioner is named in the complaint case/F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M.-X at Chapra, Saran in connection with Isuapur P.S. case No.55 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

Narendra/-

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