

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8155 of 2018

Arising Out of PS.Case No. -692 Year- 2017 Thana -BIHARSHARIF District- NALANDA
(BIHARSHARIFF)

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Surya Mani Prasad, S/o Ram Pyare Prasad Yadav, R/o Village- Tikuliper,
P.S.- Biharsharif , District- Nalanda.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nilesh Kumar, Advocate.

For the Opposite Party/s : Mr. Rajesh Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 23-03-2018

Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in **Bihar P.S.**

Case No. 692 of 2017 instituted for the offence under Section 302
of the Indian Penal Code.

It is alleged in the written report that son of the
informant namely, Abhay Kumar aged 17 years was student of
Sarvgin Bal Vikas Vidyalay situated at Tikuli Mer and was living
in the Hostel of the aforesaid school. It is further alleged that on
17.12.2017 at about 6:00 p.m. In-charge of the said school
namely, Surya Mani Prasad gave information to brother of the
informant Indradeo Yadav on his Mobile phone that his son has
jumped from 4th floor building of the school and is being taken to
the Clinic of Dr. Bal Mukund, situated in Kagzi Mohalla. On this



information, the informant reached in the clinic of Dr. Bal Mukund and found his son dead. The informant has alleged that when he inspected the place of occurrence where his son had jumped, he suspected that his son cannot jump from the floor in question. He has suspicion that his son was done to death and dead body was thrown. In the written report the informant has raised suspicion against the petitioner.

Learned counsel for the informant has submitted that the informant in his further statement and other witnesses in paragraphs 4, 5 and 6 have levelled allegation against this petitioner of assaulting the son of the informant. The counsel for the petitioner has submitted that witnesses are not the eye witness. They have stated before the police that they have heard about the occurrence.

Case diary has been received.

The statement of independent witnesses have been recorded in paragraphs, 12, 13, 14, 15, 16, 17, 18 and 19 wherein all the witnesses have stated that the boy had fallen from the roof.

The inquest report has been enclosed wherein no external injury was found on the person of the deceased.

Learned counsel for the petitioner has pointed out the post mortem report wherein the Doctor had stated that no external



injury has been found. The cause of death has been opined by the doctor on account of haemorrhagic shock due to injury produced by heavy hard blunt substance.

Considering the facts and circumstances of the case, prayer for anticipatory bail of the petitioner is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today, in connection with **Bihar P.S. Case No. 692 of 2017**, he shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of **learned Chief Judicial Magistrate, Nalanda**, subject to the conditions as laid down under Section 438 (2) Cr. P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and his absence on two consecutive dates without proper and reasonable reason will be liable to cancel his bail bond and (3) if petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Sanjay Priya, J)

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