

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.79791 of 2018

Arising Out of PS. Case No.-77 Year-2018 Thana- CHAPRA MUFFASIL District- Saran

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Madan Rai, S/o Hoti Rai Resident of Village- - Nayatola, Bishunpura, P.S-
Chapra Muffasil, District .- Saran (Chapra).

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Niraj Kumar, Adv.

For the Opposite Party/s : Mr.Sri Ashok Kumar Singh 1(APP)

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

4 07-02-2019 Heard learned counsel for petitioner and learned
counsel for the State.

Petitioner, who is in custody, seeks bail in connection
with Chapra Muffasil P.S. Case No. 77 of 2018 registered for the
offences punishable under Section 302 and 307/34 of the Indian
Penal Code and Section 27 of the Arms Act.

Informant who is the brother of deceased in his
fardbeyan has stated on 19.02.2018 at 05:00 P.M. he and his
deceased brother received information that some tractor has
entered his cultivable field and destroying the wheat crop, upon
which they reached there and asked him upon which accused
petitioner became infuriated and did not stop the tractor and his
brother was crushed beneath the tractor.

It has been submitted on behalf of the petitioner that
he is innocent and has committed no offence. He has been falsely



implicated in this case. There is no motive or reason, it was an accidental death. In the supervision report also the Supervisory Officer has found that it is a case of accidental death. However, on the recommendation of Superintendent of Police, chargesheet has been submitted under Section 302 of the Indian Penal Code. Petitioner has got no criminal antecedent and is in custody since 13.07.2018.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-11th, Saran at Chapra, in connection with Chapra Muffasil P.S. Case No. 77 of 2018, subject to conditions:

- (1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.
- (2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by Court and his absence on two consecutive dates without sufficient reasons, his bail bond shall be cancelled by the court below.
- (3) If the 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.

(S. Kumar, J)

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