

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46218 of 2019

Arising Out of PS. Case No.-163 Year-2019 Thana- DAUDNAGAR District- Aurangabad

Yogendra Prasad (Male) aged 62 years Son of Late Ramuna Mahto Resident
of Village Kera, P.S. Daudnagar, District- Aurangabad (Bihar).

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mrs. Nivedita Nirvikar, Advocate
For the Opposite Party : APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 26-07-2019 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner apprehends his arrest for the offences
alleged under Sections 304/34 of the Indian Penal Code registered in
connection with Daudnagar P.S. Case No. 167 of 2019.

3. It is submitted that the petitioner has been falsely
implicated in connection with causing death of the informant's son
Pawan Kumar @ Lallu aged about 16 years, by co-accused Ralson
Mahto @ Sipahi, owner of the brick kiln, who had engaged the
deceased to clean the machine and switched on the same. It is
submitted that the informant has himself subsequently given a correct
version of the incident by way of a petition dated 28.05.2019 filed
before the Sub-Divisional Judicial Magistrate, Daudnagar
(Annexure-2) stating that it was a case of accidental death when the
informant's son came to the brick kiln to visit his uncle employed
there and while searching for his mobile phone which had fallen
near the soil grinding machine, his hand was chopped off in the
machine and subsequently he died. It is submitted that there is no
avermment of any past enmity to motivate the act as alleged against co-



accused Ralson Mahto @ Sipahi. The petitioner has been implicated merely because he happens to be the father of co-accused Ralson Mahto @ Sipahi. Similarly situated co-accused Tuntun Singh has been granted anticipatory bail by a coordinate Bench of this Court in Cr. Misc. No. 46109 of 2019. The petitioner claims clean antecedents.

4. Be that as it may, in the event of the petitioner's arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Daudnagar, Aurangabad in connection with Daudnagar P.S. Case No. 167 of 2019, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. and with further conditions --

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(iv) That the petitioner shall cooperate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Vikash Jain, J)

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