

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79584 of 2019

Arising Out of PS. Case No.-353 Year-2019 Thana- SURSAND District- Sitamarhi

Manjay Rai @ Manjay Kumar Son of Late Ram Charitra Rai Resident of
Village - Bakhari, P.S.- Sursand, Distt - Sitamarhi.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mrityunjay Kumar
For the Opposite Party/s : Mr.Mithlesh Kumar Khare

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 18-12-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has filed the instant application for
grant of bail in a case registered for the offence under sections
302 and 120B of the Indian Penal Code.

As per the allegation in the FIR, 11 year old son of the
informant was living in a private hostel, the informant received
information through another student that his son had fallen ill
and when he reached the hostel, he found the owner of the
hostel to be missing and the son of the informant was later
declared dead by the doctor in hospital.

It is submitted by learned counsel for the petitioner
that it has come during investigation that the deceased had
stolen Rs. 500/- of a student for which co-accused Manjay



scolded him. It is further submitted that it has also transpired in course of investigation that on receiving information that the deceased had consumed thimate, the petitioner immediately took him to the hospital in his own vehicle where his father also arrived. It is finally submitted that there is no direct or indirect allegation to connect the petitioner with the death of the son of the informant, the petitioner is in custody since 30.10.2019 and has no criminal antecedent.

It is submitted by learned counsel for the informant that from perusal of the FIR it would be evident that there is allegation against this petitioner that he had been torturing the 11 year old son of the informant for the last 2 years. It would further transpire that on informant reaching the hostel, he found the petitioner who happens to be the owner of the hostel to be missing. In any case it was the petitioner in a capacity of owner of the hostel who was responsible for the welfare of the students including the son of the informant.

Learned APP for the State has also opposed the application for bail of the petitioner.

Having heard learned counsel for the parties and taking into consideration the fact that from perusal of the record of the case including the case diary which was called for there is no



direct allegation against this petitioner to connect him with the death of the son of the informant, the petitioner carrying the son of the informant to the hospital in his own vehicle, he being in custody since 30.10.2019 and having no criminal antecedent, the Court is inclined to enlarge the petitioner on bail. Let the petitioner, above named, be enlarged on bail on his furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Sitamarhi in connection with Sursand P.S. Case No. 353 of 2019.

(Partha Sarthy, J)

Prakash/-

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