

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1152 of 2020

Arising Out of PS. Case No.-185 Year-2019 Thana- TARAIYA District- Saran

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1. RAM PRAVESH MANJHI @ RAM PARVESH MANJHI Son of Late Surat manjhi @ Sukat Manjhi Resident of Village - Bhatgai, P.S.- Taraiya, Distt.- Saran at Chapra.
 2. Munna Manjhi @ Munna Kumar Son of Ram Pravesh Manjhi @ Ram Parvesh Manjhi Resident of Village - Bhatgai, P.S.- Taraiya, Distt.- Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Narendra Kumar
For the Opposite Party/s : Mr.Nagendra Prasad

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 24-08-2020 Due to COVID-19 Pandemic, the matter is being taken up by way of virtual Court proceeding.

The matter has been listed under the heading 'For Orders' under the orders of Hon'ble the Chief Justice.

Heard learned counsel for the petitioners and learned APP for the State.

The petitioners are apprehending their arrest in a case registered under Sections 302/34 of the Indian Penal Code.

Prosecution case, in short, is that on 20.06.2019 at 8.30 a.m. accused Umesh Manjhi, Dharmendra Manjhi, Deepak Manjhi and Ashok Manjhi came at the informant house and took his son Sugandh Manjhi with them saying that they had to go at



the house of the petitioners Ram Pravesh Manjhi and Munna Manjhi as there was a party there. Till 3 p.m. when informant's son did not return, he went to the house of co-accused Umesh Manjhi to enquire about his son. Umesh Manjhi apprised that his son had died at the house of petitioner Ram Pravesh Manjhi of electric current. On such information, when the informant along with his family members reached at the house of Ram Pravesh Manjhi, they saw that the son of the informant was lying dead with soil, ash and floor on the body.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioners. The petitioners have been made accused due to mistake of fact. There was marriage in the house of petitioners and the deceased had gone to attend the marriage, but accidentally he stepped on into naked wire, due to which he was electrocuted and he succumbed to the same. The aforesaid fact has been supported by the witnesses in paragraph Nos.6, 7 and 8 of the case diary. At best, it is a case for an offence under Section 304A of I.P.C. No offence under Section 302 of I.P.C. is made out.

On behalf of the State, it is submitted that the



petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances of the case and also the lockdown, let the petitioners, above named, in the event of arrest/surrender before the learned court below within a period of eight weeks from today, be released on anticipatory bail on their personal bond to the satisfaction of Additional Chief Judicial Magistrate 1st, Saran at Chapra in connection with Taraiya P.S. case No.185 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioners will furnish bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each within a period of seven weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

Narendra/-

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