

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25725 of 2020

Arising Out of PS. Case No.-153 Year-2020 Thana- BANKA District- Banka

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1. Siyaram @ Siyaram Das, aged about 25 years, male, S/o Mangan Das @ Mangni Das, Resident of Village-Mahuadih, Police Station-Banka, District-Banka.
 2. Mangan Das @ Mangni Das, aged about 52 years, male, S/o Late Nand Kishor Das, Resident of Village-Mahuadih, Police Station-Banka, District-Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee, Adv.

For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 15-10-2020 Heard Mr. Ajay Mukherjee, learned counsel for the petitioners and Mr. Ram Priya Sharan Singh, learned APP for the State.

The petitioners seek bail in anticipation of their arrest in connection with Banka P.S. Case No. 153 of 2020, dated 23.02.2020, instituted for the offences under Sections 304 and 34 of the Indian Penal Code.



It has been alleged in the First Information Report that petitioner No. 1, while constructing his house, had a dispute with his neighbour, viz., Hira Das. However, the informant was asked by the petitioner No. 1 to keep one end of the rope in his hand and help him in measuring the land about which there was dispute. In the meantime, the son of Hira Das came along with many others and started raising protest. In a huff, an old mud-wall was given a push, which led to the death of two and half years old son of the informant.

Learned counsel for the petitioners has submitted that it was a sheer accident and there could not have been any intention on the part of the petitioners to have killed the son of the informant, who actually was asked by the petitioner No. 1 to help him in measuring the land.

Though it is most unfortunate that a young boy died in a dispute over construction of a house, but there does not appear to be any intention on the part of any one of the petitioners to cause such an occurrence.

Considering the afore-stated facts, the petitioners



above named, in the event of their arrest or surrender before the learned Court below within a period of four weeks, are directed to be released on bail on their furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka, in connection with Banka P.S. Case No. 153 of 2020, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

(Ashutosh Kumar, J)

Praveen-II/-

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