

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.30515 of 2020**

Arising Out of PS. Case No.-17 Year-2020 Thana- JURAWANPUR District- Vaishali

PAWAN RAI S/o Binod Rai R/o Village- Paharpur West, P.S.- Jurawanpur,
District- Vaishali.

... .. Petitioner

Versus

The State of Bihar

.. ... Opposite Party

Appearance :

For the Petitioner/s : Mr.Mrityunjay Kumar,Advocate

For the Opposite Party/s : Mr.Tarun Prasad Mandal, APP

For the Informant : Mr. Shiv Pratap, Advocate

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

3 25-11-2020 Heard learned counsel for the petitioner and Mr. Shiv Pratap, learned counsel for the informant having temporary Advocate on Record (AOR) No. BR/D/311/10. He has filed his vakalatanama yesterday on behalf of the Informant.

The petitioner in the present case is seeking regular bail in connection with Jurawanpur P.S. Case No. 17 of 2020 registered for the offences punishable under Sections 304 IPC.

Learned counsel for the petitioner submits that the petitioner and the informant are next door neighbours. They are residing in a common residential house and the allegation against the petitioner is that he had assaulted the son of the informant when the son of the informant was throwing out water from the roof after breaking the bricks. Son of the informant died allegedly due to the said assault on way to the hospital.



Learned counsel submits that in fact the informant's son fell down from the roof due to slippery surface and suffered head injury. He ultimately died in course of his treatment. There is no eye-witness to the alleged occurrence and the FIR was lodged making allegation against the petitioner on mere suspicion. No post mortem was conducted after death of the informant's son and it suggests that the case is not one of murder rather it is an accidental death. Police has also submitted chargesheet under Section 304 IPC only. It is submitted that after lodgement of the FIR the informant has understood the reasons and now the informant is supporting this petitioner in this case.

Mr. Shiv Pratap, learned counsel for the informant submits that at this stage the informant understands that his son had fallen from the roof and had suffered head injury accidentally. It is for this reason that the informant does not want to oppose the prayer for bail of the petitioner.

Learned APP for the State has though opposed the prayer for regular bail of the petitioner but considering the facts and circumstances of the case, wherein the chargesheet has been filed under Section 304 IPC and there is no post mortem of the deceased and now the informant has appeared before this Court



to contend that his son had fallen from the roof and the death was accidental, let the petitioner above-named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate Vaishali at Hajipur in connection with Jurawanpur P.S. Case No. 17 of 2020, subject to the conditions as laid down under Section 437(3) of the Cr.P.C. as under:

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, or the commission of which he is suspected, and

(c) that such person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of



bail bond of the petitioner.

And further condition that he will abide by and observe the guidelines and directives of the Government of India and the State Government with regard to COVID-19 Pandemic.

This application stands allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

