

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83874 of 2019

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

=====

MANOHAR KUMAR @ MANOHAR KUMAR MAHTO S/O Rambriksh
Mahto Resident of Village- Simri, P.S.- Simri, Distt- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Birendra Kumar

For the Opposite Party/s : Mr.Navin Kumar Pandey

=====

**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL ORDER

3 09-07-2020 Heard learned counsel for the parties.

This application for anticipatory bail arises out of
Sursand P.S. Case No. 353 of 2019 for the offence punishable
under Sections 302 and 120B of the Indian Penal Code.

The petitioner's son was a border in the hostel of
Central School, Sutihara, a privately managed school. It is
alleged in the FIR that the informant received an information
from another student of the school that his son was seriously ill.
His son was, thereafter, taken to the hospital by the informant
where he was declared dead. The petitioner has been made
accused with the allegation that he was the Class Teacher of the
deceased. The Incharge of the hostel has also been made
accused.



Learned counsel appearing on behalf of the petitioner has submitted that there is no material to suggest that the petitioner was, in any matter, responsible for the death of the deceased. From the postmortem report, it appears that cause of death has been found to be suspected case of poisoning.

Considering the nature of allegation in the FIR and the materials in the case diary, in my opinion, a case for grant of anticipatory bail is made out in exceptional circumstance, though the case has been registered under Section 302 of the IPC.

This application is accordingly allowed.

Let the petitioner above named, in the event of his arrest/surrender within six weeks from today in the Court below, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, Pupri, Sitamarhi in Sursand P.S. Case No. 353 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the Police/Court, as the case may be, as and when required and in the event of failure on his part to



appear before the Court on two consecutive occasions, his bail
bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

Rajesh/-

U		T	
---	--	---	--

