

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19954 of 2022

Arising Out of PS. Case No.-226 Year-2021 Thana- BENIPATTI District- Madhubani

Montzir Rahman @ Muntazir Rahman Son Of Md. Zamir R/O Village-
Nazra, P.S.- Benipatti, District- Madhubani

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Jha, Advocate.

For the Opposite Party/s : Mr. Madhuri Lata, APP.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 21-07-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Benipatti P.S. Case No. 226 of 2021, G.R. Case No. 715 of 2021
lodged under Section 304 of the Indian Penal Code.

The case of prosecution is that the daughter of
informant aged about 5 years was fell down mistakenly at the
hands of his brother (present petitioner), in result the said child
died.

Learned counsel for the petitioner submits that from
the content of the F.I.R. itself, it transpires that the informant is
the sister of present petitioner and she disclosed that her brother
who is the petitioner, is a mentally retarded person and under
treatment as per Annexure no.2. It has also been submitted by

the counsel for the petitioner that the informant herself stated in the F.I.R. that this event has taken place under an unfortunate circumstances, there is no intention of the petitioner to kill the child and it happens only due to the reason that petitioner is mentally retarded person. Learned counsel for the petitioner further submits that petitioner is in custody since 14.10.2021, charge sheet has already been filed and petitioner has clean antecedent.

Learned counsel for the State opposes the prayer for bail.

Considering the facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.20,000/- (Rupees Twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate - 1st Benipatti, District Madhubani in connection with Benipatti P.S. Case No. 226 of 2021, G.R. Case No. 715 of 2021, subject to the conditions as laid down under Section 437(3) of Cr.P.C.

Trial court is also directed that if at the time of surrender it transpires to the Court that the present petitioner is really a mentally ill person then his trial shall be conducted

according to the provisions for conducting trial of the mentally ill person in the Cr.P.C.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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