

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29565 of 2021

Arising Out of PS. Case No.-929 Year-2020 Thana- SAHARSA SADAR District- Saharsa

1. Meena Devi W/O Late Kishan Khatik
2. Kundan Kumar Son of Late Kishan Khatik
Both Resident of Village/Mohalla - Bhartiya Nagar, Ward No.26, P.S.-
Saharsa, Distt.- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kamal Kishore Singh, Adv.

For the Opposite Party/s : Mr. Braj Kishore Pd., APP

CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY
ORAL ORDER

2 11-03-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within one

month.

Heard learned counsel for the petitioner as well as learned

APP for the State.

At the outset, the learned counsel for the petitioner has

submitted that petitioner no.1 has been arrested as such the

anticipatory bail petition in her respect has become infructuous.

Accordingly it is dismissed as withdrawn.

The petitioner no.2 apprehend his arrest for the offences

alleged under Section 304 of the IPC, registered in connection with

Saharsa Sadar P.S. Case No.929 of 2020.

As per allegation, the petitioners kept an uncovered septic

tank besides their house, in which the four years son of the informant

fell down and died. It has been mentioned in the First Information



Report that co-accused Meenal Devi intentionally and knowingly constructed that tank and an allegation of murder was levelled against her. The petitioner no.2 is son of Meena Devi and there is also allegation against him that whenever the persons of locality asked him to cover that septic tank, Meena Devi and her son began to quarrel.

The FIR shows itself that it was not the intention of the petitioner no.2 to kill the child. It is a case of negligence on the part of the petitioner.

Considering this facts and circumstances, let the petitioner no.2 Kundan Kumar, in the event of his arrest or surrender within three weeks from the date of communication of this order 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 learned Chief Judicial Magistrate, Saharsa in connection with Saharsa Sadar P.S. Case No.929 of 2020, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Office shall ensure that all the defects are removed by the petitioner within the stipulated time as provided hereinabove, failing which the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey , J)

Prakash Narayan /-

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