

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40726 of 2023

Arising Out of PS. Case No.-502 Year-2022 Thana- CHIRAIYA District- East Champaran

1. JALANDHAR RAI S/O RAMAN RAI R/O Village- Mahuawa, Saguniya, P.S- Chiraiya, Distt.- East Champaran.
2. Nitish Kumar S/O Rajan Rai R/O Village- Mahuawa, Saguniya, P.S- Chiraiya, Distt.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rahul Singh, Advocate

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 03-08-2023 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.
2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 302 and 34 of the Indian Penal Code.
3. Learned counsel for the petitioners submits that the petitioners are persons with clean antecedent.
4. The informant alleges that on account of denial to do work in the field of petitioner no. 1, petitioner no. 1 threatened his son that he will be killed, thereafter, it is alleged that on 19.11.2022, while his son was working in his field, when petitioner nos. 1 and 2 dashed him with their tractor and



thereafter on orders of petitioner no. 1, petitioner no. 2 killed the son of the informant by mounting the tractor over him.

5. Learned counsel for the petitioners submits that the petitioner no. 1 has been arrested and thus seeks permission to withdraw the anticipatory bail application with respect to him.

6. Permission is accorded.

7. Learned counsel for the petitioner next submits that a compromise petition has been filed before the learned Trial Court after the informant realized that it was an accidental death.

8. Learned A.P.P. for the State, Mr. Chandra Bhushan Prasad, opposes the prayer for anticipatory bail of the petitioner no. 2 and submits that Section 302 IPC is not compoundable and from perusal of the allegation as alleged in the FIR, it would manifest that the informant initially alleges that his son was threatened that he would be killed as he had refused to work in the field of petitioner no. 1 and thereafter the occurrence was committed which amply demonstrates that it is not a case of an accidental death, but it is case of murder. It is also submitted that it appears that the informant, later on, came and accordingly, a compromise petition was filed.

9. Learned counsel for the petitioner rebuts the



submission of the learned A.P.P. for the State and submits that the compromise petition has been filed only on intervention of the well wishers and the informant realizing that it was an accidental death. It is further submitted that petitioner will not abscond rather will co-operate in the investigation and will present himself as and when required by the Investigating Officer of the case for eliciting the truth and proving his innocence.

10. Considering the submissions made by the learned counsel for the petitioner, the petitioner no. 2 above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Chiraiya P.S. Case No. 502 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

11. However, it is made clear that in the event if the Investigating Officer of the case files an application before the learned Trial Court bringing to its notice that the petitioner despite giving assurance to this Court is not co-operating in the



investigation or not presenting himself as and when called for, the learned Trial Court shall be at liberty to cancel the bail bonds of the petitioner after recording reasons.

12. Let a copy of this order be also sent to the concerned Police Station through the learned Trial Court.

13. It is further made clear that in the event if the charge sheet is submitted connecting the petitioner with the offence, then the present anticipatory bail order shall lose its effect.

(Satyavrat Verma, J)

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