

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18802 of 2023

Arising Out of PS. Case No.-253 Year-2021 Thana- BELAGANJ District- Gaya

Kishori Manjhi, S/o Late Somar Manjhi R/o village- Pachmahla, P.S.-
Belaganj, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Yogendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

- 3 26-07-2024 1. Heard learned counsel appearing on behalf

of the petitioner and learned Additional Public Prosecutor

appearing on behalf of the State.
2. The accused/petitioner is named in F.I.R.

and apprehending his arrest in connection with Belaganj

P.S. Case No. 253 of 2021, registered for the offences

punishable under Sections 302, 34 of the Indian Penal

Code.
3. The allegation against above named

petitioner is to start a tractor under instruction of co-

accused Suhail Mian and Kallu Mian, due to which the

husband of informant badly injured and subsequently



died.

4. Learned counsel appearing on behalf of the petitioner submitted that the narration of FIR is authored by informant is nowhere approving the fact, as to lodge case under Section 302 of the Indian Penal Code, for the reasons that occurrence is appearing accidental in nature rather that petitioner was under intention to cause death of the husband of informant. It is also pointed out that after investigation, the police submitted charge-sheet under Section 304 of the Indian Penal Code. Learned counsel further pointed out that petitioner is a man of clean antecedent and moreover, the co-accused, namely, Suhail Mian was granted anticipatory bail by one of the learned co-ordinate Bench of this Court through Cr. Misc. No. 65286 of 2021 dated 23.08.2022.

5. Learned APP opposes the prayer of bail.

6. Considering the aforesaid facts and circumstances and by taking note of the fact that occurrence is appearing *prima facie* accidental in nature,



where after investigation, the police already submitted charge-sheet under Section 304 of the Indian Penal Code, coupled with the fact that petitioner is a man of clean antecedent, accordingly, above named petitioner, in the event of his arrest or surrender before the learned trial Court, within a period of four weeks of the order, is directed to be released on bail furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-IIInd, Gaya/concerned Court, where the case is pending in connection with Belaganj P.S. Case No. 253 of 2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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