

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65064 of 2024

Arising Out of PS. Case No.-315 Year-2023 Thana- MADHEPUR District- Madhubani

Dilo Sadai Son of Nageshwar Sadai Resident of Village - Mahasingh Hasauli,
P.S. - Madhepur, District - Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ratnakar Jha, Advocate

For the Opposite Party/s : Mr. Renu Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 25-11-2024 Heard Mr. Ratnakar Jha, learned counsel for the
petitioner and the State.

2. The petitioner is in custody in connection with
Madhepur P.S. Case No. 315 of 2023 for the offence punishable
under sections 302 and 34 of the Indian Penal Code lodged on
11.12.2023 by the informant, Jitendra Kumar Singh.

3. As per the prosecution story, the informant alleged
that his son was murdered and the petitioner tried to give a
colour of accident after keeping the dead body under the wheels
of the tractor of Jayshankar Singh. Further allegation is that one
Purushottam Singh used to make him drink alcohol and beat
him. This happened on the land of Lalit Singh in front of the
door of the informant. This led to the FIR.

4. In this case, case diary was called for and in
paragraph-67, the facts had been narrated by one of the
witnesses, Raghav Kumar according to which, Chand Babu @



Chandramani was a naughty person and used to move here and there. In the night, may be due to darkness, the driver (petitioner herein) was unable to witness him which resulted into the accident. It is not the case of any murder rather it is sheer unfortunate accident.

5. This Court has also gone to the paragraph-93 also which is the supervision note of the Deputy Superintendent of Police which has also recorded in the same manner what has been stated by an independent witness.

6. Paragraph-77 shows that the charge-sheet has been submitted under Section 304 of the I.P.C.

7. Taking into account the aforesaid facts, though a young boy was crushed under the wheels of the tractor, prima facie, it does not look like a case of murder. In that background and considering that the petitioner is in custody since 15.02.2024 (paragraph-12 of the petition) and has no criminal antecedent, this Court is inclined to extend him the privilege of bail with conditions.

8. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned CJM, IIIrd Jhanjharpur, Madhubani, in connection with Madhepur P.S.



Case No. 315 of 2023 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

Adnan/-

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

