

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74236 of 2023

Arising Out of PS. Case No.-292 Year-2023 Thana- RAMNAGAR District- West Champaran

Kishor Baitha @ Nand Kishor Baitha Son Of Alagu Baitha Resident Of
Village - Dhokaraha, Police Station - Ram Nagar, District - West Champaran
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Milind Kumar Mishra, Advocate
For the Informant	:	Mr. Bimesh Kumar Pandey, Advocate
For the State	:	Mr. Choubey Jawahar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 29-02-2024 Heard Mr. Milind Kumar Mishra, learned counsel for the petitioner, Mr. Bimesh Kumar Pandey, learned counsel for the Informant and Mr. Choubey Jawahar, learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Ram Nagar P.S. Case No. 292 of 2023, F.I.R. dated 21.06.2023 for the offences punishable under Section 304 of the Indian Penal Code.

3. According to prosecution case, a electric wire was running by petitioner through the paddy seed field for irrigating his field. On 21.06.2023, the brother of the informant, namely, Januddin Mian went to his paddy seed field for throwing the Urea. In the meantime, his brother came in the clutch of necked wire on the place where wire was joined. The petitioner was present on that time, but he could due save due to which the brother of the



informant died.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that from a bare perusal of the FIR it appears that there was no intention of the petitioner to kill the brother of the informant. He further submits that due to an accident the brother of the informant died.

5. Learned counsel for the informant as well as learned Additional Public Prosecutor, on the other hand, have vehemently opposed the prayer for bail of the petitioner and submits that there is sufficient material has come during the investigation to suggest that the petitioner has involved in the present occurrence and even he had not tried to save the life of the brother of the informant.

6. Considering the aforesaid facts and circumstances and the fact that there was no intention of the petitioner to kill the brother of the informant and due the an accident the present occurrence has taken place, let the petitioner, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the 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 the learned S.D.J.M., Bagaha, West Champaran in connection with Ram Nagar P.S. Case No. 292 of 2023, subject to the conditions as



laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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