

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45674 of 2014

Arising Out of PS.Case No. -175 Year- 2014 Thana -CHANPATIA District-
 WESTCHAMPARAN(BETTIAH)

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1. Arun Sah @ Arun Kumar Son of Yodha Sah resident of village- Shital
 Raika Mathiya, P.S.- Lauriya, District- West Champaran

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Adv

For the Opposite Party/s : Mr. Dilip Kumar (APP)

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
 ORAL ORDER

4 30-03-2015

Heard learned counsel for the petitioner as well as
 learned APP for the State assisted by learned counsel for the
 informant.

While the prosecution parties were going to Darwaza of
 bride, on account of parking of vehicle bearing Registration
 No.BR 22P-2543, they felt inconvenience and on account thereof,
 requested driver, whereupon, an altercation took place. The driver
 has been identified as Arun Sah (Petitioner). It has further been
 alleged that while members of *Baraat* party including brother of
 informant were returning by motorcycle, they were followed by
 the aforesaid driver, Arun Sah with his vehicle who, one by one,
 dashed against the motorcycle and subsequently thereof, Arun Sah
 and his associates assaulted with iron rod causing injuries
 thereupon. Informant, who arrived at the place, during midst



thereof, found the accused person indulged in such kind of activity whereupon, after stopping his vehicle rushed there. Then, the driver along with his associates escaped therefrom on the vehicle. He carried all the injured to hospital. However, his brother, Md. Aslam died.

It has been submitted on behalf of the petitioner that his complicity has been brought in picture only to save the skin of driver of the Jeep bearing Registration No. BR 22P 2543. It has also been submitted that the story has purposely been introduced relating to assault by the petitioner along with others. It has further been submitted that there was no occasion for the prosecution party to identify the petitioner at the place where alleged occurrence has taken place and that happens to be the reason behind, he has not been put on TIP after his surrender before the learned lower court. Furthermore, it has also been submitted that there was no source of identification at the place of occurrence nor the petitioner was known to prosecution party since before the occurrence and in the aforesaid background, identifying the petitioner by name is another circumstance which falsify the genuineness of the prosecution case so far complicity of petitioner is concerned. Furthermore, it has been submitted that petitioner had surrendered on 01.08.2014 and since then he is under custody.



Learned APP assisted by the learned counsel for the informant submitted that petitioner happens to be the driver of a vehicle bearing Registration No. BR 05H/4928 which runs under Lauriya Sugar Factory. From the statement of K.D. Prasad recorded under para-30 of the case diary, it is apparent that the aforesaid vehicle was under his control. It is further evident therefrom that Arun Sah happens to be driver who took away vehicle in the evening of 25.06.2014 and then thereafter he had narrated the whole sequence.

It has further been submitted that owner of the vehicle had produced the vehicle before the Investigating Officer which has been seized under para-37, seizure list is under para-38 and his statement happens to be under para-39. Again activity of the petitioner is evident therefrom. Furthermore, from column-6 of the seizure list, it is evident that there happens to be presence of denting and painting over the vehicle. Furthermore, it has been submitted on behalf of prosecution that how the vehicle bearing Registration No. BR 05H/4928 got its number plate replaced and substituted with Registration No. BR 22P 2543, is a circumstance which the petitioner would have detailed. Furthermore, from the evidence of the injured witnesses, it is evident that the vehicle which following them had switched off its headlight and then

dashed one by one against three motorcycles.

In the aforesaid facts and circumstances, for the present, I do not see it a fit case for grant of bail. Accordingly, prayer for bail stands rejected.

(Aditya Kumar Trivedi, J)

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