

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49736 of 2015

Arising Out of PS.Case No. -89 Year- 2015 Thana -RAJAUN District- BANKA

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1. Dilip Kumar Sah Son of Ambika Sah Resident of Village -Borwa, Police Station - Naugachiya, District - Bhagalpur

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. (Dr.) Amrendra Kumar

For the Opposite Party/s : Mr. Binod Kumar No. 3(App)

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

2 06-11-2015 Heard learned counsel for the petitioner and learned counsel for the State.

In this case, the petitioner is seeking bail in connection with Rajaun P.S. Case No. 89 of 2015 registered for offences under sections 302, 353 of the Indian Penal Code. The petitioner is in custody since 17.08.2015.

Allegation has been made in the First Information Report that there was a Police picket for checking the challan for lifting sand. A Sepoy namely, Ramesh Kumar No. 139 was posted there for verification. He has given a signal for stoppage of the tractor and in stead of stopping the tractor, the driver of tractor began to flee with high speed and crushed Ramesh Kumar. From the light of the torch, they could identify the tractor No. 10G-6920.

Allegation is that the person who was driving the tractor, purposefully crushed Ramesh Kumar which led to his death.

Counsel for the petitioner submits that he is the owner of the vehicle not the driver it has wrongly been shown him to be driver of the tractor. At the time of death the son of the petitioner was driving the tractor. He is no way connected to the tractor and has wrongly been roped in the case. He has further submitted that in order to save the owner of the tractor in his connivance he has been made accused in this case.

He has further submitted that it is a case of Section 279 of the Indian Penal Code and cannot be a case of Section 302 of the Indian Penal Code. It is the intention of the driver in what manner, he has committed the crime. This cannot be of the opinion at this stage.

It appears that the Police person was posted and he was crushed to death.

In such view of the matter, this Court is not inclined to grant bail to this petitioner at this stage and the same is accordingly rejected.

(Shivaji Pandey, J)

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