

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.47735 of 2015

Arising Out of PS.Case No. -64 Year- 2015 Thana -UCHAKAGAON District- GOPALGANJ

Rajesh Tiwary @ Rajesh Kumar Tiwary @ Munna Tiwary Son of Lalan
Tiwary Resident of Village- Uchkagaon, P.s Uchkagaon, District Gopalganj.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s :

For the Opposite Party/s :

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL ORDER

2 04-11-2015 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends arrest in Uchkagaon P.S.
Case No. 64 of 2015 dated 09.05.2015 instituted under Section
304 of the Indian Penal Code.

The allegation against the petitioner is of hitting the
deceased by his motorcycle with an intention to kill.

Learned counsel for the petitioner submits that he is a
student and at best the allegation can be of rash and negligent
driving but there could not have been any motive to kill and it was

a pure accident for which only Section 304A of the Indian Penal Code is attracted. It is submitted that even in the FIR no motive has been stated as to why the petitioner would want to kill the deceased and the reason for this false case is to extract money from the petitioner and his family. Learned counsel submits that the petitioner has no criminal antecedent.

Learned A.P.P. opposes the prayer for anticipatory bail. However, he is not in a position to controvert the fact that no motive has been disclosed as to why the petitioner would want to take the life of the deceased.

Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Gopalganj in Uchkagaon P.S. Case No. 64 of 2015, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

(Ahsanuddin Amanullah, J)

Anjani/-

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