

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17548 of 2016

Arising Out of PS.Case No. -299 Year- 2015 Thana -GIRIYAK District- NALANDA
(BIHARSHARIFF)

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Sohan Kumar @ Gulshan Son of Bipin Singh Resident of Village -
Patoriya, P.S. - Katrisarai (Giriak), District - Nalanda.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Akhilesh Dutta Verma

For the Opposite Party/s : Mr. Abhay Kumar No. 1 (App)

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**
ORAL ORDER

02/ 26-04-2016

Heard learned counsels for the petitioner,

State and the informant.

The petitioner is apprehending his arrest in
a case registered for the offences punishable under Sections 341,
323, 324, 325 and 307/34 of the Indian Penal Code.
Subsequently, section 302 IPC was also added.

The prosecution case is that on 07.12.2015
at 2.00 P.M. Ghanshyam Singh called the informant Shivbalak
Yadav when the altercation ensued, thereafter, the petitioner
being the tractor driver of Ghanshyam Singh drove over the
tractor on both the legs of the informant. Subsequently, the legs
of the informant were amputated and thereafter he succumbed to the

injury.

It is submitted by learned counsel for the petitioner that even assuming the accusation at best a case under Section 304A of the IPC is made out. Though, the impugned order reflects that before the learned court below it was argued that the case comes within the purview of Section 304 Part II of the IPC. It is further submitted that Ghanshyam Singh has been granted anticipatory bail by a co-ordinate Bench of this Court vide Cr. Misc. No. 7132 of 2016.

Considering the nature of accusation, this Court is not inclined to grant anticipatory bail to the petitioner in connection with Giriyak (Katrisarai) P.S. Case No. 299 of 2015 pending in the court of learned Chief Judicial Magistrate, Nalanda at Biharsharif.

Accordingly, this application is dismissed.

(Dinesh Kumar Singh, J)

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