

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.13798 of 2016

Arising Out of PS.Case No. -159 Year- 2015 Thana -DHARHARA District- MUNGER

Bharat Mandal @ Bharat Prasad Singh, son of S.P. Singh, resident of Village- Heru Diyara, P.S.- Safiyabad, District- Munger

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner/s : Mr. Deep Nishi, Advocate

For the Opposite Party/s : Mrs. Veena Kumari Jaiswal, APP

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

2 01-04-2016 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner seeks pre-arrest bail in connection with Dharhara P.S. Case No. 159 of 2015 registered under Section 304 of the Indian Penal Code.

It is contended that the petitioner is not named in the FIR and during investigation the police is trying to apprehend him in connection with the case instituted under Section 304 of the Indian Penal Code. It is further contended that even if the entire allegations made in the FIR are believed to be true, the ingredients of the offence punishable under Section 304 of the

Indian Penal Code would not be attracted. At best, the case would come within the purview of Section 304-A of the Indian Penal Code.

On the other hand, learned counsel for the State has vehemently opposed the application for grant of pre-arrest bail to the petitioner. He has contended that it is a gross case of murder in which the petitioner and his son were sitting together on the driving seat of the truck, which first knocked down one Gulshan Kumar. Thereafter, the truck rammed a tractor standing on the road. Despite that, they did not stop the truck and crushed two ladies, namely, Ruby Devi and Binita Kumari to death and injured one Kabita Devi. Even, thereafter, they did not stop and moved ahead and crushed two other ladies, namely, Komal Kumari and Dhanmanti Devi to death. They did not stop the truck even then and proceeded ahead and crushed one Sachidanand Yadav to death. He has submitted that in all, six innocent persons were killed and several others injured by the uncontrolled speeding truck being driven by the petitioner. He has contended that it was suspected that the petitioner was driving the truck under the influence of alcohol.

I have considered the submissions made at the Bar and perused the FIR. I find substance in the arguments advanced

by the learned counsel for the State. It is not a case of causing death by negligence rather it is a case of worst kind of culpable homicide amounting to murder of several persons.

In that view of the matter, I am not inclined to grant anticipatory bail to the petitioner. Accordingly, the application for anticipatory bail is rejected.

(Ashwani Kumar Singh, J.)

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