

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21375 of 2016

Arising Out of PS.Case No. -531 Year- 2015 Thana -PHULWARI District- PATNA

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1. Mithilesh Singh @ Amitabh Kumar, son of Sri Birendra Kumar, Resident
of Village- Mahngupur, P.S.- Janipur, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar Pandey

For the Opposite Party/s : Mr. Yogendra Kumar Singh (App)

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR
SINGH
ORAL ORDER

2 25-05-2016 Heard learned counsel for the petitioner and

learned counsel for the State.

The petitioner seeks pre-arrest bail in connection
with Phulwarisharif P.S. Case no. 531 of 2015 under sections
302, 304/34 of the Indian Penal Code.

It has been submitted by the learned counsel for
the petitioner that even if the entire allegations made in the first
information report are taken to be true, no offence much less an
offence under section 302 of the Indian Penal Code would be
made out against the petitioner as the specific allegation in the first
information report is against one Rajnish Kumar Singh who was
driving the vehicle bearing registration No. BR-10GE-1057 at the
time of occurrence.

Learned counsel for the State concedes that the specific allegation of driving the vehicle at the time of occurrence, when one Mukesh Kumar was crushed to death, is against co-accused Rajnish Singh and not the petitioner. However, he has submitted that the petitioner is alleged to be the owner of the vehicle and was sitting in the vehicle at the time of accident.

Be that as it may, regard being had to the facts and circumstances of the case, in the event of arrest or surrender before the court below within six weeks from today, the petitioner named above is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of Sri Jyoti Prakash, Judicial Magistrate, 1st Class, Patna in connection with Phulwarisharif P.S. Case No. 531 of 2015 subject to the conditions as laid down under section 438(2) of the Code of Criminal Procedure, 1973.

(Ashwani Kumar Singh, J)

Amin/-

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