

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31258 of 2016

Arising Out of PS.Case No. -231 Year- 2016 Thana -SONEPUR District- SARAN

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Ranjan Kumar, Son of Gopal Sah resident of Village- Unahchak, Police
Station- Dighwara, District- Saran, Chapra

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Parijat Saurav, Advocate

For the Opposite Party : Mr. Sri Surendra Prasad Singh (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 09-09-2016 Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner seeks bail in connection with Sonapur
P.S Case No. 231 of 2016 registered for the offences punishable
under Section 304 of the Indian Penal Code and Section 53(b) of
the Excise Act, 2016.

Allegedly, the petitioner being the driver of vehicle,
dashed Santosh Kumar Singh, resulting, hit in electric pole and he
became seriously injured and during treatment, he died. It is
alleged that the petitioner was in drunken state and earlier also he
has dashed a child, but he was luckily saved.

Submission is of false implication and that police
after completing investigation has submitted chargesheet under



section 304(A) of the I.P.C. and under section 53(b) of Excise Act. Neither blood nor urine was tested of the petitioner and only on the basis that from his mouth alcoholic smell was coming, he has been chargesheeted under section 53(b) of the Excise Act. There was no intention rather the incident was caused due to accident. The vehicle was also burnt and the petitioner was brutally assaulted. The owner of the vehicle has also lodged a case bearing Sonapur P.S. Case No. 244 of 2016 against unknown. The number of vehicle given in the First Information Report is also wrong. As a matter of fact, the registration number of the vehicle was BR-31U-0760. Chargesheet has been submitted and there is no chance of tampering with the prosecution evidence and, as such, the petitioner deserves sympathetic consideration.

Learned A.P.P. fairly submits that chargesheet has been submitted under section 304(A) of the I.P.C.

In the facts and circumstances stated above, considering the detention of the petitioner and further that now there is no chance of tampering with the prosecution evidence and, as such, the petitioner is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of the learned A.C.J.M.-I, Saran at Chapra, in connection with Sonapur P.S. Case

No. 231 of 2016, subject to the conditions that one of the bailors must be near relative and another having sufficient immovable property within the territorial jurisdiction of the Court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J.)

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