

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19749 of 2016

Arising Out of P.S. Case No. -20 Year- 2015 Thana - KASMA District - AURANGABAD

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Santa Yadav, Son of Late Kailash Yadav, resident of Village - Khairi
Itwan, P.S. Kasma, District - Aurangabad

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Ashok Kumar Chaudhary, Advocate.

For the Opposite Party/s : None.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 26-10-2016

Heard Sri Ashok Kumar Chaudhary, learned counsel

for the petitioner. Nobody appears on behalf of the State.

The petitioner seeks bail in Kasma P.S. Case No. 20
of 2015 registered under Sections 304, 120, 536/34 of the Indian
Penal Code and Section 3(I)(X), 3(2)(V) of the SC/ST Act.

Sri Ashok Kumar Chaudhary, learned counsel for the
petitioner, submits that the prayer for bail of the petitioner was
earlier rejected vide order dated 22.09.2015 passed by this Court
in Cr. Misc. No. 23139/2015. The petitioner has already remained
in jail for twenty months. It is submitted that on the face of it, it
appears that the offence comes within the purview of Section
304(A) of the Indian Penal Code. It is a case of motor accident.
The petitioner was not driving the vehicle.

From perusal of the FIR itself, it appears that the

informant made specific allegation against the petitioner that the petitioner knowingly turned the vehicle towards the family members of the informant and knowingly crushed Santosh Bhuyian. The petitioner also crushed Keshari Devi, who died on the spot. Santosh Bhuyian also got injury. A report was called for from the trial court. The trial court has reported that four witnesses have already been examined and eight witnesses including the informant, I.O., doctor and other material witnesses are yet to be examined.

Considering the facts aforesaid and the nature of allegation made against the petitioner, I am not inclined to enlarge the petitioner on bail in Kasma P.S. Case No. 20/2015, corresponding to S. Tr. No. 338/15 / 69/15. Accordingly, the same is rejected.

The trial court is directed to hold trial on day-to-day basis and conclude the same within four months from the date of receipt / production of a copy of this order.

The Superintendent of Police, Aurangabad is directed to ensure attendance of the remaining witnesses so that the trial must be concluded within four months. If the trial is not concluded within four months, the petitioner may renew his prayer for bail.

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(Prabhat Kumar Jha, J)