

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12054 of 2016

Arising Out of PS.Case No. -294 Year- 2015 Thana -NOORSARAI District- NALANDA
(BIHARSHARIFF)

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1. Dharam Bind Kumar Son of Baleshwar Singh R/v Gagobigha, P.S.
Parwalpur, District - Nalanda

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Sinha

For the Opposite Party/s : Mr. B.Ram (App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

3 02-05-2016 Heard the learned counsel for the petitioner and the

learned A.P.P. representing the State.

The petitioner seeks bail in connection with
Noorsarai P.S. Case No. 294 of 2015 registered for the offences
punishable under Section 304, 353 of the Indian Penal Code and
Section 3(2)V of SC/ST Act.

Allegedly, the driver driving truck bearing
registration No. JH-02M-5567 rashly and negligently crushed
one chaukidar namely Shailendra Paswan causing his death and
fled away with the truck. During investigation, the witnesses
identified the petitioner that he was driving the truck at the
relevant time.



Submission is of false implication and that no offence under Section 304, 353 of the Indian Penal Code and Section 3(2)V of the SC/ST Act is made out, the petitioner has valid driving licence, it may be a case under Section 304(A) of the Indian Penal Code which is bailable and without any fault, the petitioner is suffering in custody since 31.01.2016, at the relevant time, the petitioner was not driving the said truck, the petitioner was not arrested with the alleged vehicle and, as such, he deserves sympathetic consideration, to which the learned APP opposes.

In the facts and circumstances stated above, considering that charge-sheet has already been submitted against the petitioner and there is no chance of tampering with the prosecution evidence and, as such, the petitioner, above named, is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Nalanda at Bihar Sharif in connection with Noorsarai P.S. Case No. 294 of 2015, subject to the conditions that one of the bailors must be a 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.

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(Jitendra Mohan Sharma, J)