

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37161 of 2017

Arising Out of PS.Case No. -129 Year- 2017 Thana -BUXAR MUFFSIL District- BUXAR

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1. Durga Prasad, S/o Bhola Shah, Resident of Village and Post- Jalahara,
P.S.- Rajpur, District- Buxar.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manendra Kumar Sinha

For the Opposite Party/s : Mr. Dr.Mrityunjaya Kr.Gautam

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

5 09-10-2017 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

Petitioner is languishing in judicial custody since
12.06.2017 in connection with Buxar (M) P.S. Case No.129/2017
registered for the offence punishable under Sections 279, 337,
338, 304(A) of the Indian Penal Code and Section 37(C) of the
Bihar Prohibition and Excise Act.

The prosecution case, as lodged by the informant, is
that while he was standing at the door of his house, one
Ambulance came and the driver, the petitioner, under the influence
of alcohol knocked his brother Badan Singh and Umesh Singh and
one died on the spot. He also killed a cow and injured a calf. One
other person also suffered injury.



It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history and has been falsely implicated. He submits that he had not taken alcohol in huge quantity and that Section 37 (C) of the Bihar Prohibition and Excise Act will not be applicable against him.

However, learned A.P.P. for the State opposes the prayer for bail stating that petitioner is a driver of Ambulance and because of rash and negligent driving in the influence of alcohol he dashed the deceased, Badan Singh and Umesh Singh and seriously injured Mahavir Singh and also killed a cow.

Considering the facts and circumstances and the materials on record, I am not inclined to grant bail to the petitioner at this stage. Accordingly, this application is rejected.

(Nilu Agrawal, J)

AnilKrSinha/-

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