

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18919 of 2017

Arising Out of PS.Case No. -150 Year- 2016 Thana -BENIPATTI District- MADHUBANI

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Abhay Kumar Pandey, son of Late Naresh Pandey, Resident of Village-
Koili, Police Station- Nanpur, District- Sitamarhi.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Parmod Kumar, Advocate.

For the Opposite Party/s : Mr. Anand Mohan Prasad Mehta, APP.

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL
ORAL ORDER

2 12-06-2017 Heard learned counsel for the petitioner as well as

learned APP for the State.

The petitioner apprehends his arrest in Benipatti
P. S. Case No. 150 of 2016 registered for the offences under
Sections 279, 337, 338 and 304 of the Indian Penal Code.

As per the prosecution case, the petitioner happens
to be the driver of the vehicle. He is alleged to have overturned
the bus due to rash and negligent driving and consequently the
bus fell into a road side pond and submerged in the water causing
injury to the informant and his family members and claiming
lives of some other commuters.

It is submitted by learned counsel for the petitioner
that the petitioner lost control over the vehicle in order to save a



boy who suddenly came across the road and the vehicle met with an accident. It is further submitted that the case does not come under Section 304 of the Indian Penal Code rather under Section 304A of the Indian Penal Code, as the petitioner is said to have committed the offence due to rash and negligent driving of the vehicle in question.

Considering the facts aforesaid and the nature of allegation made against the petitioner, the above named petitioner, in the event of his arrest or surrender before the learned court below within a period of four weeks from the date of receipt/production of a copy of this order, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Benipatti in Benipatti P. S. Case No. 150 of 2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prakash Chandra Jaiswal, J)

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