

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38563 of 2018

Arising Out of PS. Case No.-46 Year-2018 Thana- GOPALPUR District- Patna

=====

Tuntun Kumar @ Upendra Kumar aged about 29 years son of Jogeshwar Prasad @ Jugeshwar Prasad Yadav Resident of Mosimganj, P.S. Ekangarsarai, District Nalanda.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Rabindra Prasad Singh, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary 1, APP

=====

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 09-07-2018 Heard learned counsel for the petitioner and the learned A.P.P. for the State.

Petitioner is languishing in judicial custody since 16.03.2018 in connection with Gopalpur P.S. Case No. 46 of 2018 pending in the Court of learned Sub-Judge-IX -cum- Additional Chief Judicial Magistrate, Patna registered for the offence punishable under Section 304 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is that his daughter, Riya Ranjan went to school on a bicycle and the truck driven by the petitioner dashed her, as a result, she was seriously injured and during the course of treatment, she succumbed to the injuries.

It has been submitted by the learned counsel for the



petitioner that he is innocent, bears no criminal antecedent and at best it is a case of negligent and rash driving and no motive has been assigned, hence, Section 304 of the Indian Penal Code is not attracted. It is further submitted that charge-sheet has already been submitted and the petitioner is ready to cooperate in the trial.

However, learned A.P.P. for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, I am not inclined to grant the privilege of bail to the petitioner. This application is, accordingly, rejected.

However, petitioner is at liberty to renew his prayer for bail after framing of charge.

(Nilu Agrawal, J.)

Arjun/-

U		T	
---	--	---	--

