

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.20824 of 2018

Arising Out of PS.Case No. -569 Year- 2017 Thana -BIHARSHARIF District- NALANDA
(BIHARSHARIFF)

Prameshwar Prasad S/o Late Narayan Mahto, R/o Village- Penar, P.S.-
Sare, Distt.- Nalanda.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Kishor Prasad

For the Opposite Party/s : Mr. Smt. Reena Sinha

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

02/ 20-04-2018

Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 279, 308, 337 and 338 of the Indian Penal Code.

The prosecution case as per the written report of Gopal Prasad dated 09.10.2017 submitted to the Station House Officer, Bihar P.S., is to the effect that on 08.10.2017 the informant along with his son Sandeep Kumar were going to his shop and when they reached near Health Club, Biharsharif then a tractor bearing Registration No. BR-34A-2317 coming from Sohsarai dashed his son causing crush injury and his right leg got fractured. It is also alleged that earlier on 07.10.2017 there was some dispute with the driver of the said tractor as the informant ordered for one tractor sand but the driver of said



tractor brought soil mixed sand which was stolen and when the informant refused to accept the sand the driver of the said tractor forcibly unloaded the sand near his house and when the informant declined to make payment, the son of the informant was dashed.

It is submitted by learned counsel for the petitioner that the petitioner accidentally dashed the son of the informant and keeping in view the nature of accusation, at best, an offence under Section 304 of the IPC is made out against the petitioner.

Learned APP, however, submits that there is specific accusation against the petitioner.

Considering the nature of accusation, it is a case for consideration of prayer for regular bail by the learned Court below, if the petitioner surrenders before the learned Court below within a period of six weeks in connection with Bihar P.S. Case No. 569 of 2017 pending in the Court of learned Chief Judicial Magistrate, Nalanda at Bihar Sharif.

Accordingly, this application is disposed of.

(Dinesh Kumar Singh, J)

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