

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23103 of 2018

Arising Out of PS. Case No.-461 Year-2017 Thana- GHORASAHAN District- East
Champaran

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Shashi Bhushan Prasad @ Shashi Bhushan Kumar, Son of Sri Bhagwan Prasad Yadav, Resident of Village- Ghorasahan, Police Station- Ghorasahan, District- East Champaran at Motihari.

... .. Petitioner

Versus

The State of Bihar.

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Jai Shanker Prasad

For the Opposite Party/s : Mr. Sri Shailendra Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 23-04-2018 Heard Sri (Dr.) Amarendra Kumar, learned counsel, assisted by Sri Jai Shankar Prasad, learned counsel for the petitioner, Sri Shailendra Kumar Singh, learned Addl. Public Prosecutor as well as learned counsel, who has voluntarily appeared on behalf of the informant.

The sole petitioner, apprehending his arrest in Ghorasahan P.S. Case No.461 of 2017 registered for the offence under Sections 279, 337, 338 of the Indian Penal Code and Section 37(a) of the Bihar Prohibition and Excise Act, 2016, has prayed for grant of bail, in the event of his arrest or surrender.

Learned counsel for the petitioner, at the very outset, submits that save and except the provision of Excise



Act, other provisions of Indian Penal Code are bailable offence. He submits that as per F.I.R. itself, it is evident that accident from the motorcycle of the petitioner had occurred on 10.09.2017, in which father of the informant received some injury, and F.I.R. was lodged much belatedly on 12.09.2017. He submits that in the F.I.R. it was alleged as if the petitioner, at the time accident, was in drunken condition, however it was not established that the petitioner was in drunken condition at the time of accident.

Learned Addl. Public Prosecutor and learned counsel for the informant have opposed the prayer for bail.

However, considering the nature of accusation, clean antecedent of the petitioner, which has been mentioned in paragraph-3 of the petition, as well as the fact that F.I.R was belatedly lodged, let the petitioner, namely, Shashi Bhushan Prasad @ Shashi Bhushan Kumar in the event of his arrest or surrender within a period of six weeks from today, be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-IV-cum-Special Judge, Bihar Prohibition



and Excise Act, 2016, East Champaran at Motihari in connection with Ghorasahan P.S. Case No.461 of 2017, subject to conditions as laid down in Section 438(2) of the Code of Criminal Procedure.

(Rakesh Kumar, J)

nawalkrs/-

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