

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19411 of 2018

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

=====

Durga Prasad @ Durga Shah S/o Bhola Sah, R/o Village- Jalahara, P.S.-
Rajpur, Distt.- Buxar.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Dr. Kamal Deo Sharma, Adv.

For the Opposite Party/s : Mr. Pancha Nand Pandit, APP.

=====

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 18-04-2018 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner had earlier moved for bail which was
rejected vide order dated 09.10.2017 passed in Cr. Misc. No.
37161 of 2017.

Petitioner is languishing in judicial custody since
12.06.2017 in connection with G.R. No. 1666 of 2017 arising out
of Buxar (M) P.S. Case No. 129 of 2017 for offences 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, the petitioner,
who was the driver of the Ambulance car, under the influence of



alcohol hit his brother Badam Singh and Umesh Singh. Umesh Singh died on the spot. He also killed a cow and injured a calf. One other person also suffered injury due to rash driving.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history, he was not under the influence of alcohol and there is no intention behind the alleged occurrence. He submits that the brake of the Ambulance car of which he was the driver failed and an accident took place.

However, learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let petitioner, above named, 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 learned A.D.J. IInd-cum-Special Judge, Excise Act, Buxar in connection with G.R. No. 1666 of 2017 arising out of Buxar (M) P.S. Case No. 129 of 2017, subject to the conditions that:

- (1) One of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.
- (2) Petitioner will appear before the learned court below during trial as and when required and failure to appear on



two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J)

Devendra/-

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

