

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10550 of 2019

Arising Out of PS. Case No.-642 Year-2014 Thana- WEST CHAMPARAN COMPLAINT
District- West Champaran

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Vijay Kumar Mishra, Son of Late Pawan Kumar Mishra, Resident of Village - Rampurwa, Tola - Ranipur, P.O.- Brindavan Ashram, P.S.- Chanpatia, Distt - West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Ratnesh Kumar Jha, Son Late Jagat Narayan Jha. Resident of Village - Rampurwa, Tola - Ranipur, P.O. - Brindavan Ashram, P.S.- Chanpatia, Distt - West Champaran.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar
For the Opposite Party/s : Mr.Madhura Nand Jha

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

3 14-05-2019 Heard learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Complaint Case No. 642C of 2014 registered under Section 302/34 of the Indian Penal Code. Later on, cognizance has been taken only under Section 304 of the Indian Penal Code.

The accusation is that on 15.03.2013 at about 10.30 P.M., complainant, Ratnesh Kumar, boarding on motorcycle and his wife, Manju Devi, boarding on Scooty, proceeded for their house from Tarabag Dera Banuchaper. At that time, witness, Badu Sah, Madhav Gaddi and Ghanshayam Ram were also



behind them. In the meantime, a Bolero vehicle came in full speed and dashed his wife, Manji Devi, in which, his wife fell down and sustained head injury. Thereafter, she was rushed to M.J.K. Hospital but died in the way.

Learned counsel for the petitioner submits that on similar set of fact, the complainant-opposite party no. 2 had lodged Bettiah Muffasil (Manuapul) P.S. Case No. 214 of 2013 on 23.03.2013 under Section 302/34 of the Indian Penal Code against the petitioner and driver of vehicle. On investigation police submitted the final form against the petitioner, which was accepted but the protest petition of informant treated as Complaint Case No. 642C of 2014, in which, on inquiry, the petitioner has been summoned for the offence punishable under Section 304 of the Indian Penal Code.

Having regard to the facts and circumstances of the case, let the above named petitioner be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the J.M. Ist Class, Bettiah, West Champaran, in connection with Complaint Case No. 642C of 2014, subject to the condition as laid down under Section



438(2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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