

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4752 of 2019

Arising Out of PS. Case No.-188 Year-2018 Thana- PIRO District- Bhojpur

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Sitendra Paswan @ Satendra Paswan @ Jitendra Paswan, aged about 35 years (M), Son of Jiut Paswan @ Jiut Ram, Resident of village- Puraini kala, Police Station – Agiaon Bazar, District – Bhojpur.

... .. Petitioner/s

Versus

The State Of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Anil Kumar Singh

For the Opposite Party/s : Mr.Raj Kishore Singh

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 29-01-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since 02.06.2018 in a case initially registered for the offences punishable under Sections 279 and 304A of the Indian Penal Code, but the charge sheet has been submitted under Sections 279, 338 and 304A of the Indian Penal Code and thereafter, cognizance has been taken under the provisions of Sections 279, 337, 338 and 304A of the Indian Penal Code.

The prosecution case as per the fardbeyan of Nitin Prasad Keshri recorded by S.I., Pawan Kumar Singh of Ara Town P.S. on 01.06.2018 at 4.35 P.M. at Sadar Hospital, Ara is to the effect that that on 01.06.2018, the father of the informant,



Rajendra Prasad Keshri was going to his clinic on motorcycle and one boy Daniesh was sitting on his motorcycle, but on the way at 11.20 A.M. at Milki More, one Bolero vehicle dashed his motorcylce causing head injury, who subsequently succumbed to the injury.

It is submitted by learned counsel for the petitioner that the petitioner was the driver of the said Bolero vehicle and he has no intention to kill the father of the informant. It is further submitted that the charge sheet has been submitted under Sections 279, 338 and 304A of the Indian Penal Code, but the cognizance has been taken under the provisions of Sections 279, 337, 338 and 304 Part II of the Indian Penal Code. A statement has been made in paragraph 3 of the petitioner that the petitioner is not having any criminal antecedent.

Learned APP submits that the cognizance has been taken under the provisions of Section 304 Part II of the IPC also.

Considering the fact that on conclusion of the investigation, the case has been found true under Sections 279, 338 and 304A of the IPC, coupled with the statement made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner 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 VIth Additional Sessions Judge, Bhojpur at Ara in connection with Sessions Trial No. 339 of 2018, arising out of Piro P.S. Case No. 188 of 2018.

(Dinesh Kumar Singh, J)

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