

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28306 of 2019

Arising Out of PS. Case No.-45 Year-2019 Thana- PANCHRUKHI District- Siwan

=====

RUPLAL PRASAD Son of Chamari Saw, R/O Village- Dobhi, P.S. Dobhi,
District- Gaya.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Tiwary

For the Opposite Party/s : Mr.Rajesh Kumar

=====

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 01-05-2019 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest for the offences alleged under Sections 279, 337, 338, 427, 304 and 304(A) IPC registered in connection with Pachrukhi (Sarai OP) P.S. Case No. 45/2019.

3. It is submitted that the petitioner has been falsely implicated and in any event, it is merely a case of road accident which resulted in death of seven persons and several others injured when the DCM truck driven by the petitioner hit the pick-up van in which the informant and others were travelling. It is submitted that the petitioner is the driver of the DCM truck and was himself involved in the accident. It is therefore unlikely that the petitioner would have committed the alleged offence knowingly and deliberately, rather at the highest it may be a case of negligent driving envisaged under Section 304A IPC, which is bailable. It is submitted that the petitioner has a valid licence for driving the DCM truck and had been hired by the owner of the vehicle having valid documents of the vehicle.



4. Be that it may, in the event of petitioner's arrest or surrender within four weeks hereof let the above named petitioner be released on provisional anticipatory bail on furnishing bail bond of Rs.10,000/- [ten thousand] with two sureties of like amount each to the satisfaction of learned ACJM VI, Siwan in connection with Pachrukhi (Sarai OP) P.S. Case No. 45/2019 subject to the conditions as laid down under Section 438(2) Cr.P.C. and also subject to the following further conditions:

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall co-operate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(iv) That the petitioner shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(v) That the petitioner shall produce his driving licence along with all relevant documents concerning the DCM truck bearing no. BR02M0283 before the learned Court below for verification at the time of furnishing bail bond.

5. The provisional bail granted to the petitioner shall stand confirmed upon verification by the learned Court below, preferably within a further period of twelve weeks after furnishing of bail bond, that the petitioner is the holder of a valid and proper driving licence for driving the DCM truck as well as



the documents of the vehicle are in order. In case the petitioner's claim fails upon verification, his bail bond shall stands automatically cancelled.

(Vikash Jain, J)

Chandran/-

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

