

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42691 of 2019

Arising Out of PS. Case No.-247 Year-2014 Thana- DHAMDAHA District- Purnia

PRAMOD KUMAR SAH @ PRAMOD SAH Son of Late Anirudh Sah
Resident of Village - Dhamdaha Uttar, P.S.- Dhamdaha, District - Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Prawesh Kumar
For the Opposite Party/s : Mr.Jagdhari Prasad

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 10-07-2019 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Dhamdaha Police Station Case No. 247 of 2014, disclosing offences under Section 302 of the Indian Penal Code.

The allegation against the petitioner, as per the First Information Report, is that the petitioner is the owner of a tent house and he took away the son of the informant for some work and thereafter assaulted him on the back portion on his head and dead body of the deceased was sent to the house of the informant by ambulance.

Learned Counsel for the petitioner submits that no offence in the manner alleged has been committed by the petitioner inasmuch as the deceased was working in the tent



house and on the date of occurrence, the deceased had gone to the house of one Vijay Singh for arranging the tent and other things on account of the death of grand mother of Vijay Singh. It has further been submitted that the petitioner while going to the house of Vijay Singh, met with an accident with motorcycle and was taken to the hospital where he died during the course of treatment. Learned Counsel further submits that the police, after investigation, submitted final form against the petitioner and found the case true under Section 304A of the Indian Penal Code and not under Section 302 of the Indian Penal Code. However, differing with the final report, the learned Court below has taken cognizance under Section 302 of the Indian Penal Code, mechanically.

After having heard learned Counsel for the parties and taking into consideration the fact that the police, after investigation, submitted final form against the petitioner finding the case true under Section 304A of the Indian Penal Code, this application is allowed.

Let the petitioner, Pramod Kumar Sah @ Pramod Sah, in the event of his arrest or surrender before the Court below within four weeks, 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 Chief Judicial Magistrate, Purnea, in connection with Dhamdaha Police Station Case No. 247 of 2014, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bond shall be liable to be cancelled.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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