

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53400 of 2018

Arising Out of PS. Case No.-263 Year-2018 Thana- MUFFASIL District- West Champaran

1. Dablu Kumar @ Dablu Patel
2. Amit Kumar,
Both Sons of Brijnandan Patel @ Brijnandan Prasad, Resident of Vill-
Nawaka Tola, ward No.6, P.S.- Bettiah Muffasil, District- West Champaran.
... .. Petitioners

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar, Advocate
For the Opposite Party/s : None

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 15-01-2019 Heard learned counsel for the petitioners.

The petitioners apprehend their arrest in connection with Bettiah (M) P. S. Case No. 263 of 2018 registered for the offences punishable under Sections 341, 323, 325, 304/34 of the Indian Penal Code.

Learned counsel for the petitioners submits that it is a case of accidental death. Attention of this Court has been drawn towards the statement of father of the deceased boy recorded in paragraph 11 of the case diary. It is submitted that the only allegation against the petitioner no. 2 is that he did not stop the tractor when the son of the informant fell down from the trailer rather he ran over the son of the informant which caused serious injuries to him and he died.



Learned counsel submits that so far as petitioner no. 1 is concerned, he was on the tractor but was not driving the tractor and as such the petitioner no. 1 should not have been denied the privilege of anticipatory bail by the learned court below.

No one appears on behalf of the State to oppose this application.

In the given facts and circumstances of the case when this Court finds that the allegation of negligence and rash driving causing death of the deceased boy is against petitioner no. 2 Amit Kumar, the prayer for anticipatory bail of petitioner no. 2 is refused.

In case the petitioner no. 2 surrenders before the court below within a period of four weeks from today and prays for regular bail, the same shall be considered by the court below on the basis of the materials available on the record and without being prejudiced because of the rejection of the anticipatory bail application.

So far as petitioner no. 1 is concerned, there is no allegation that he was driving the vehicle, therefore, this Court is inclined to grant privilege of anticipatory bail to petitioner no. 1. In case of his arrest or surrender within four weeks from



today, let petitioner no. 1 namely, Dablu Kumar @ Dablu Patel be enlarged on bail on furnishing of bail bonds of Rs. 15,000/- (fifteen thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Bettiah, West Champaran in connection with Bettiah (M) P. S. Case No. 263 of 2018, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Rajeev Ranjan Prasad, J)

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