

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53408 of 2019

Arising Out of PS. Case No.-110 Year-2014 Thana- JAYNAGAR District- Madhubani

Ganaur Mahra @ Ganour Mahra aged about 35 yers, son of Yogendra Mahra,
R/o village- Phulkaha, P.S.- Jaynagar, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Y.C. Verma, Sr. Adv.

For the Opposite Party/s : Mr. Anuj Kumar Shrivastava, APP.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 25-11-2019 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

The petitioner seeks regular bail in connection with
Jaynagar P.S. Case No. 110 of 2014 registered under section 302
of the I.P.C.

The allegation against the petitioner, as per the first
information report is that the deceased was travelling in the
Bolero vehicle driven by the petitioner from Jaynagar to Patna
and in course of travelling the deceased died in the said vehicle.
Earlier the UD case no. 1/2014 was lodged by the police.
However, after the postmortem report, it transpired the death of
the deceased has taken place due to “asphyxia caused by
throttling”.

Mr. Y.C. Verma, learned senior counsel appearing for



the petitioner submits that the petitioner has falsely been implicated in this case inasmuch as the petitioner happens to be the driver of the vehicle in which the deceased was travelling and it was the petitioner who had informed the police regarding the death of the deceased in his car due to illness. Learned counsel further submits that innocence of the petitioner is further evident from the fact that the petitioner himself informed to the police regarding the death and had there been the complicity of the petitioner in the crime, the natural conduct of the petitioner would not have been that he would inform the police.

On the other hand learned counsel appearing for the State referring to the case diary submits that from the postmortem report it is crystal clear that the deceased has died due to “asphyxia caused by throttling” and it was the petitioner who was driving the car in which the deceased was travelling and the justification given by the petitioner was found to be untrue based upon the postmortem report and opinion of the doctor, therefore, the petitioner is not entitled for regular bail.

After having heard learned counsel for the parties and taking into consideration the fact that the petitioner was driving the vehicle at the time of the death of the deceased and the



justification of the petitioner was found to be untrue based upon the medical evidence, I am not inclined to grant regular bail to the petitioner.

This application is, accordingly, dismissed.

However, if the trial is not completed within one year the petitioner may renew his prayer for regular bail.

(Anil Kumar Sinha, J)

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