

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.52509 of 2019

Arising Out of PS. Case No.-54 Year-2019 Thana- HILSA District- Nalanda

RAJARAM PRASAD @ RAJA PRASAD, aged about 52 years, Male, Son of
Ramlakhan Prasad, Resident of Village - Dhibrapar, P.S.- Hilsa, Dist.-
Nalanda ... Petitioner

Versus

The State of Bihar ... Opposite Party

Appearance :

For the Petitioner : Mr. Birendra Kumar, Adv.

For the Opposite Party : Mr. Harendra Prasad, APP

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

2 22-08-2019

Heard learned counsel for the petitioner and learned Additional
Public Prosecutor for the state.

The petitioner seeks pre-arrest bail in connection with Hilsa
P.S. Case No. 54 of 2019 for the offences alleged under Sections 279,
304, 337 and 338 of the Indian Penal Code.

The accusation is that on 04.02.2019, informant, Sushila Devi,
along with her husband, Arjun Prasad, was going to Hilsa, in the way
when the bus, which was being driven by the petitioner, reached at
Chamarbiga diversion the bus turned turtle in which 18 persons,
including Arjun Prasad, husband of the informant, sustained injuries and
all rushed to Sadar Hospital, Hilsa, Nalanda. Out of 18 persons, two
persons, Arjun Prasad and Ravindra Prasad, were referred to Patna
Medical College and Hospital. In course of treatment both the persons
died.

Learned counsel appearing for the petitioner submits that
admittedly petitioner was driving the bus, but, due to filling of earth
at the diversion, the bus turned turtle in which several persons sustained



injuries, out of which two, including the husband of the informant, died in course of treatment. The petitioner had no intention to commit the offence of murder or culpable homicide rather accidentally the bus turned turtle in course of driving the bus by the petitioner. The petitioner is driving the bus since 1992 and he had valid licence at the time of occurrence.

Learned Additional Public Prosecutor for the State opposes the prayer for pre-arrest bail.

Having regard to the facts and circumstances of the case, let the petitioner, above named, in the event of surrender/arrest, within a period of four weeks from today, in connection with Hilsa P.S. Case No. 54 of 2019 shall be released on pre-arrest bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate, I, Hilsa, Nalanda, or the successor Court subject to the conditions as laid down under Section 438(2) Criminal Procedure Code.

(Rajendra Kumar Mishra, J)

Shamshad/-

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