

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12596 of 2020

Arising Out of PS. Case No.-467 Year-2019 Thana- DHANARUA District- Patna

Sudhir Kumar Son of Judge Prasad Resident of Village-Nasratpur, P.S.-
Dhanarua, District-Patna.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Sinha
For the Opposite Party/s : Mr. J.N. Thakur, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 02-06-2020 The matter has been taken up through virtual court
proceeding.

Heard learned counsels for the petitioner and the
State.

The petitioner, who is languishing in custody since
07.01.2020, has preferred the present application for grant of
bail in a case registered for the offences punishable under
Sections 304, 304A and 279 of the IPC.

The prosecution case, as per the written report of
Baiju Kumar, submitted to the S.H.O., Dhanarua Police Station
is to the effect that on 06.11.2019 at about 6.30 A.M., the 10
months old son of the informant, namely, Shivam Kumar was
playing next to his house, in the meantime, the petitioner, being
the driver of the tractor, on the order of owner of the tractor,
crushed the child to death by tractor.



It is submitted by learned counsel for the petitioner that from the accusation, it appears that at best, the case is made out under Section 304A of the IPC, which is a bailable provision. During postmortem, it was found that the victim died due to heamatoma on the head. The investigation has already been concluded. It is further submitted that the charges have been framed under Sections 304, 304A and 279 of the IPC. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that the petitioner is named in the FIR with specific accusation.

Considering the fact that on conclusion of investigation, charges have been framed both under Sections 304 and 304A of the IPC, which suggests persisting of confusion in categorizing the offence either under Section 304 or under Section 304A of the IPC, coupled with the fact that the petitioner is not having any criminal antecedent, let the petitioner above named be released on bail for the present provisionally for a period of three months on furnishing one surety to the satisfaction of the learned SDJM, Masaurhi in connection with Dhanarua P.S. Case No. 467 of 2019.

However, in view of the present pandemic COVID-



19, it will be open for the learned Court below to accept the bail bond on furnishing an undertaking by the surety, on photo copy of his Aadhar Card to the effect that he is ready to become the bailor of the petitioner which may be transmitted by such surety to the learned Court concerned through e-mode.

The provisional bail of the petitioner will be confirmed by the learned Court below within three months on furnishing bail bond of Rs.10000/- (ten thousand) with two sureties including one surety given at the time of provisional bail of the like amount each to the satisfaction of learned SDJM, Masaurhi in connection with Dhanarua P.S. Case No. 467 of 2019.

The learned Court below will be at liberty to extend the further period of provisional bail if the lockdown is not over in next three months.

(Dinesh Kumar Singh, J)

Amrendra/-

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