

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26806 of 2020

Arising Out of PS. Case No.-584 Year-2019 Thana- CHAPRA TOWN District- Saran

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TUFFAN RAI Son of Jayram Ray @ Jayram Rai Resident of Village- Purvi
Rauja, Police Station- Chapra Town, District- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anant Kumar Bhaskar
For the Opposite Party/s : Mr. Surendra Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 16-10-2020 Heard learned Counsel for the petitioner and learned

Additional Public Prosecutor for the State, through video

conferencing.

The petitioner seeks regular bail in connection with
Chapra Town Police Station Case No. 584 of 2019, registered
for the offences punishable under Sections 279/304 of the Indian
Penal Code.

The allegation, as per the First Information Report, is
that on 04.10.2019, at about 7 PM, some altercation took place
between the husband of the informant and co-accused Ashok
Rai @ Narda. It has further been alleged that in the morning of
05.10.2019, at around 10:30 AM, co-accused Ashok Rai
assaulted the brother-in-law of the informant and the petitioner
started his tractor, loaded with sand and dashed the seven-years



old son of the informant, due to which the son of the informant died at the spot.

Learned Counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and he has falsely been implicated in this case due to previous enmity. He further submits that in fact, the petitioner was driving the tractor and when he was moving the tractor backward, the son of the informant came under it and there was no intention of the petitioner to dash or hit the son of the informant. He further submits that in course of investigation, some of the witnesses have stated that there was no intention on the part of the petitioner to hit the son of the informant and the police, after completion of investigation, has submitted charge sheet under Section 304 of the Indian Penal Code instead of Section 304-A of the Indian Penal Code and the petitioner is in custody since 13.02.2020.

Having heard learned Counsel for the parties and taking into consideration the materials on record and the fact that there is specific allegation against the petitioner of dashing the seven-years old son of the informant intentionally and the police has submitted charge sheet under Section 304 of the Indian Penal Code, I am not inclined to grant regular bail to the



petitioner, at this stage.

This application is, accordingly, dismissed.

However, the petitioner may renew his prayer for bail after nine months from today, if the trial does not show any progress.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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