

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24384 of 2020

Arising Out of PS. Case No.-27 Year-2020 Thana- BARAULI District- Gopalganj

PRATAP SINGH Son of Rajmohan Singh Resident of Village-Mirzapur,
Sonbarsa, P.S.-Barauli, District-Gopalganj.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun Kumar, Advocate

For the Opposite Party/s : Mr. Binod Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

5 03-12-2020 Heard Mr. Arun Kumar, learned counsel for the

petitioner and Mr. Binod Kumar, learned Additional Public

Prosecutor appearing for the State through video conferencing.

Petitioner seeks regular bail in connection with
Barauli P.S. Case No. 27 of 2020 registered for the offences
punishable under Section 302 of the Indian Penal Code 1860.

The allegation as per the First Information Report is
that on 3.2.2020 at about 11:00 a.m., the nephews of the
informant were going to Mirzapur More by foot on N.H. 28. In
the meanwhile, the petitioner who was driving the truck bearing
registration No. UP-53DT-6237, deliberately dashed the
nephews of the informant Tufan Kumar Singh and Awadhesh
Kumar Singh, due to which, Tufan Kumar Singh died on the
spot and another nephew got serious injury.



Learned counsel for the petitioner submits that petitioner has not committed any offence in the manner alleged and he has falsely been implicated in this case due to family dispute inasmuch as the petitioner is agnate of the informant and is neighbour also. Learned counsel further submits that the statement of the victim (injured witness) has been recorded after 25 days of the occurrence by the Police.

On the other hand, learned counsel for the State referring to the case diary submits that the injured nephew of the informant has categorically stated that due to previous dispute, the petitioner has deliberately dashed him and his cousin by truck No. UP-53DT-6237, on account of which, his cousin died on the spot and there was previous dispute relating to money transaction between the petitioner and the deceased. The Police has seized the truck from the spot and no technical defect was found in the said truck.

Having regard to the submissions made by the parties and taking into consideration the materials on record, I am not inclined to grant regular bail to the petitioner at this stage.

Accordingly, the prayer for bail of the petitioner stands rejected.

However, the petitioner may renew his prayer prayer



for bail after one year, if the trial does not show any progress.

(Anil Kumar Sinha, J)

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