

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30288 of 2020

Arising Out of PS. Case No.-448 Year-2020 Thana- AHIYAPUR District- Muzaffarpur

PANKAJ KUMAR Son of Mangar Ray @ Mangal Ray Resident of Village -
Majhoulia, P.S.- Ahiyapur, District - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Hari Kishore Thakur, Adv.

For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 24-11-2020 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioner and Sri Ram Priya Sharan Singh, the learned APP for the State.

The petitioner seeks regular bail in connection with Ahiyapur P.S. Case No. 448 of 2020, registered for the offence punishable under Sections 290, 427, 337, 338, 279, 304(A) of the Indian Penal Code in which Section 304(2) of the Indian Penal



Code has been added and Section 37(b) (c) of the Bihar Prohibition and Excise Act.

The allegation is regarding the petitioner, who was driving a Hyva vehicle in a negligent manner, having dashed a motorcycle on which two persons were sitting, whereafter he had run over the Hyva vehicle on the house of the informant and had grievously injured the mother of the informant, who was present in the said house. It is also alleged that subsequently, the mother of the informant had died during the course of the treatment. The petitioner is alleged to have been drunk and was in an intoxicated condition at the time of occurrence.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case, he is having a clean antecedent and he is languishing in custody since 22.05.2020. It is further submitted that considering the maximum sentence, which can be imposed in case the petitioner is convicted, the petitioner has already been in custody for a



long time, hence, he has been suitably punished.

Per contra, the learned APP has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the nature of the allegation levelled against the petitioner herein as also considering the period of incarceration of the petitioner herein, I deem it fit and proper to direct for release of the petitioner on bail, however, subject to certain conditions.

Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Act, Muzaffarpur in connection with Ahiyapur P.S. Case No. 448 of 2020.

It is further directed that the petitioner would mark his attendance before the Officer-in-Charge of the concerned police station on each Monday of



the week at 10:00 am and in the event of two consecutive defaults, the present privilege of regular bail, being granted to the petitioner herein, shall stand cancelled automatically.

(Mohit Kumar Shah, J)

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