

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1360 of 2020

Arising Out of PS. Case No.-134 Year-2019 Thana- CHAKAND District- Gaya

JITENDRA PASWAN @ RAKESH KUMAR, aged about 31 years, Son of
Sri Hari Paswan, Resident of Village- Ranapur, P.S.- Chakand, District- Gaya.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Md. Shamimul Hoda, Advocate.
For the Opposite Party : Mr.Sanjay Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

5 04-11-2020 Due to COVID-19 Pandemic, the matter is being
taken up by way of virtual Court proceeding.

The matter has been listed under the heading ‘For
Orders’ under the orders of Hon’ble the Chief Justice.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner is apprehending his arrest in a case for
the offence registered under Sections 341,323, 279, 308, 504
and 506/34 of the I.P.C.

The prosecution story, in brief, is that on 23.10.2019
the father of the informant, namely, Munna Chaudhary, was
returning to his house at 8.00 P.M., after doing work and when
he was passing through Temple of Bajrangbali at village-
Molbichak then three persons on a Bullet Motor Bike dashed



him by driving the Bike rashly and negligently. After the said accident all of them assaulted her father brutally due to which he sustained serious injury. After knowing about the accident the informant came there and brought her father to A.N.M.M.C.H., Gaya, in unconscious condition for treatment and thereafter he has been referred to P.M.C.H. Patna.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. It is a case of an accident. At best, an offence under Section 304A of the I.P.C. is made out. No offence under Section 308 of the I.P.C. is made out. In the accident, the petitioner had also sustained injury which is evident from Annexure-3 to the present application. The petitioner had no intention to cause death of the victim.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is named in the F.I.R.

Considering the facts and circumstances of the case, the petitioner above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail



bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-VI, Gaya, in connection with Chakand P.S. Case No. 134/2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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