

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42461 of 2021

Arising Out of PS. Case No.-769 Year-2020 Thana- SARAIYA District- Muzaffarpur

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ASHOK KUMAR RAY @ ASHOK RAY S/o Rambilash Rai @ Doman Rai
R/o village- Basantpur Patti, P.S.- Saraiya, Distt.- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Mukesh Kumar

For the Opposite Party/s : Mr.Pramod Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 25-10-2021 Heard learned counsel for the petitioner and the State.

Learned counsel for the petitioner is directed to remove the defect(s), as pointed out by the office, within a period of eight weeks.

The petitioner is apprehending his arrest in Saraiya P.S. Case No. 769 of 2020 registered for the offence under Sections-279, 304(A) of the Indian Penal Code and Section-30(a) & 41 of the Bihar Prohibition and Excise Act.

The prosecution case, in short, is that due to rash and negligent driving, the grandson of the informant succumbed to the injury and the brother of the informant also sustained injury.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the



petitioner. The petitioner has been made accused in the present case due to mistake of fact. Due to rash and negligent driving by the co-accused namely Umesh Rai, an accident had taken place and from the car in question, 150 ml. Whisky was recovered. As per allegation, the petitioner was also one of the passengers in the car. The petitioner denies the said allegation. He submits that he is a school teacher and the accident had taken place in front of the school itself. When the accident took place, the petitioner went to inform the police regarding the accident. For oblique reasons, the name of the petitioner has been inserted in the present case. There is no recovery of liquor from possession of the petitioner.. No offence under Section 304(A) of the Indian Penal Code has been committed by the petitioner.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances of the case, let the petitioner, above named, in the event of arrest/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 learned Special Judge, Excise Act, Muzaffarpur in connection



with Saraiya P.S. Case No. 769 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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