

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33224 of 2020

Arising Out of PS. Case No.-41 Year-2020 Thana- TETERHAT District- Lakhisarai

Ashok Ram @ Ashok Kumar, aged about 44 years, Male, Son of Muso Ram, Resident of Village Mahisona, P.S. Tetarhat, District Lakhisarai (Bihar), PIN 811311.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Lalan Kumar, Advocate
For the State	:	Mr. B.N. Pandey, APP
For the Informant	:	Mr. Bhim Sen Prasad, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 11-01-2021 Heard Mr. Lalan Kumar, the learned counsel for the petitioner, Mr. B.N. Pandey, the learned Additional P.P. and Mr. Bhim Sen Prasad, the learned counsel appearing on behalf of the informant.

The petitioner seeks bail in Tetarhat P.S. Case No.41 of 2020, registered under Sections 188, 269, 270, 302 and 34 of the Indian Penal Code and under Section 3 of the Epidemic Disaster Act, 1897.

The informant alleged that the petitioner took her husband and nephew for excavation of sand from the riverbed and when the police came, the petitioner pushed the husband of the informant and fled away with the tractor. Her husband got injuries and died.



Learned counsel for the petitioner submits that it is true that the petitioner is the driver and owner of the truck but it is impossible and not believable that the petitioner pushed the husband of the informant under the wheel of the tractor. The husband of the informant died in a motor accident. He was sitting on the engine of the tractor and when the petitioner was driving the tractor, the deceased fell down and came under the wheel of the tractor. The petitioner is in jail since 19.08.2020, but it appears from perusal of the case diary and the statement of Mantu Kumar in paragraph 11 of the case diary that the petitioner pushed the uncle of Mantu Kumar in order to flee away from the riverbed after arrival of the police and the petitioner crushed the deceased under the wheel of the tractor.

Taking into consideration the facts aforesaid, I am not inclined to enlarge the petitioner on bail. Accordingly, the prayer for bail of the petitioner is rejected.

The trial court is directed to hold the trial on day to day basis and conclude the same within nine months from the date of receipt of this order.

(Prabhat Kumar Jha, J)

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