

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11948 of 2022

Arising Out of PS. Case No.-241 Year-2021 Thana- KOCHAS District- Rohtas

SHASHI PRATAP SINGH@SHASHI PRATAP Son of Lalan Singh Resident
of Village - Karwar, P.s.- Kargahar, Distt.- Rohtas at Sasaram.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Babu Nandan Prasad
For the Opposite Party/s	:	Mr.Chandra Sen Prasad Singh

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 22-08-2022 Heard learned counsel appearing on behalf of the pe-
titioner and learned APP appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Kochas
(Parasathua) P.S. Case No. 241 of 2021 registered for the of-
fence under Sections 279 and 304(A) of the Indian Penal Code.
And after days, Section 304 of the IPC has been added.

The accused/petitioner is named in the F.I.R. and is in
custody since 05.12.2021.

The allegation against the petitioner is to cause death
of the mother of the informant while driving negligently the
truck bearing Registration No. BR 24G 0490.

Learned counsel appearing on behalf of the petitioner



submitted that initially the FIR was lodged under sections 279 and 304A of the I.P.C. and subsequently after two days, converted into 304 of IPC for the reason that the petitioner is not holding valid driving license of commercial vehicle. It is also submitted that informant is not the eye-witness of the occurrence and therefore, it cannot be said that the petitioner was negligent for driving the truck. It is also submitted that merely in want of driving license, the offence could not be said to be committed under Section 304 of I.P.C., as there is specific penal provision under Motor Vehicle Act, but same is not sufficient to draw any presumption as sufficient to lodge a case under Section 304 of the I.P.C. While concluding the argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that informant is not the eye-witness of the occurrence.

Considering the facts and circumstances as mentioned above, as informant is not the eye-witness of the occurrence, which is admittedly an accident coupled with the fact that charge-sheet has already been submitted, let the petitioner,



above named, is directed to be released on bail in connection with Kochas (Parasathua) P.S. Case No. 241 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-I, Sasaram, Rohtas/concerned court, subject to the following conditions:

“(i) That petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors shall be deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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