

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23671 of 2022**

Arising Out of PS. Case No.-65 Year-2022 Thana- BEUR District- Patna

Jitendra Kumar, Son of Late Churkheli Kewat, Resident of Behrawna
Chakiya, P.S.- Pipra, District- Patna. ... Petitioner/s

Versus

The State of Bihar ... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sudhir Kumar Tiwary, Advocate

For the Opposite Party/s : Mr. Madan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 22-07-2022 Learned counsel for the petitioner is permitted to remove defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Sudhir Kumar Tiwary, learned counsel for the petitioner and the learned Additional Public Prosecutor for the State.

The petitioner seeks regular bail, who is in custody in connection with Beur P. S. Case No. 65 of 2022 registered for the offences punishable under Sections 304(A), 279, 324, 325 of the Indian Penal Code, Sections 185/189 of the Motor Vehicles Act and Sections 37 (b)(c) of the Bihar Prohibition and Excise Act, 2016.

As per the prosecution case, it is alleged that mother of the informant met with an accident near Aditya Vision, Sipara. It is alleged that the informant came to know that driver of the Bolero Car was driving it so rashly and negligently due to



which his mother severely injured and she was taken to hospital where she died during her treatment. It is further alleged that the said Bolero Car also hit two motorcycles and a car negligently.

Learned counsel appearing on behalf of the petitioner submitted that the petitioner was neither the driver of the said vehicle nor he was the owner of the same. It is further alleged that from the tenor of the F.I.R., it is evident that no incriminating material much less any liquor was recovered from the said vehicle, However, it is only alleged that the petitioner along with others were found in drunken condition. It is further submitted that all the offences made out in this case are bailable except Section 324 of the Indian Penal Code, however, this petitioner is in custody since 07.02.2022 having clean antecedent, though the investigation of the crime is already completed and the charge- sheet has been submitted.

On the other hand, learned APP for the State opposes the bail application and submits that because of the rash and negligent driving, the mother of the informant died.

Having regard to the submissions made on behalf of the parties and taking into account the fact that even as per Section 304 (A) of the Indian Penal Code, the punishment for rash and negligent act leading to death of a person is bailable offence and moreover, this is not the case of prosecution that the



petitioner was driving the said vehicle and further this petitioner is in custody since 07.02.2022 having clean antecedent and the investigation of the crime is already completed and the charge-sheet has been submitted, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-cum- Special Judge, Excise, Patna in connection with Beur P. S. Case No. 65 of 2022 subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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