

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23370 of 2022

Arising Out of PS. Case No.-23 Year-2020 Thana- INDUSTRIAL District- Bhagalpur

Rameshwar Gope, Son of Late Naresh Gope, Resident of Village-
Bachhawara, P.S.- Bachhawara, Distt.- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Deepak Kumar Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 27-07-2022 Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, within a
period of four weeks from today.

Heard Mr. Deepak Kumar, learned counsel for the
petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Industrial P.S. Case No. 23 of 2020 for the
offences punishable under Sections 279, 337, 338, 304(ii), 427
of the Indian Penal Code, Section 3 of the Government Property
Prohibition Act and Section 187 of the Motor Vehicles Act.

As per the prosecution case, it is alleged that the
petitioner while driving a truck in rash and negligent manner,
caused the death of one person and also injured several other
persons as well as made damage to the Government properties.



It is submitted by the learned counsel appearing on behalf of the petitioner that from the F.I.R. it is evident that the entire occurrence took place on account of rash and negligent driving of the petitioner, resulting into the death of a person and, as such, a case only under Section 304(A) of the Indian Penal Code is made out against the petitioner, which is bailable in nature. It is next submitted that though it is alleged that the petitioner was found in drunken condition, but no breath analyzer test has been done. It is also submitted that in order to save an old lady and girl, the truck got unbalanced and unfortunate accident has taken place. It is lastly submitted that the petitioner is in custody since 28.03.2020, though the investigation of the crime is completed much earlier.

On the other hand learned APP for the State vehemently opposes the bail application and submits that on account of rash and negligent driving of the petitioner, one of the police constable died and others injured.

Having considered the submissions made on behalf of the parties and taking into consideration the fact that this is a case of unfortunate mishappening, which resulted into the death of a person due to rash and negligent driving and moreover this petitioner is in custody since 28.03.2020, let the petitioner,



named above, 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-V, Bhagalpur in connection with Industrial P.S. Case No. 23 of 2020, subject to the condition that one of the bailors will be the close relatives 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.

(v) The court below shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this



purpose or in the name of verification.

(Harish Kumar, J)

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