

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30637 of 2022

Arising Out of PS. Case No.-84 Year-2022 Thana- HARLAKHI District- Madhubani

SONU KUMAR PANDEY @ SANU KUMAR PANDEY @ SONU KUMAR
Son of Arvind Pandey Resident of Village - Hisar, Police Station- Khirhar,
District- madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur, Advocate
Ms. Vaishnavi Singh, Advocate
For the Opposite Party/s : Ms. Indu Kumari Srivastava, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 26-09-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel 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 Harlakhi
P.S. Case No. 84 of 2022 registered for the offence under
Sections 290, 279, 307, 337 and 338 of the Indian Penal Code
and Section 37(c) of the Bihar Prohibition and Excise Act, 2018,
where charge-sheet has been submitted under Section 304A of
IPC, but learned trial court took cognizance under Section 302
of IPC.

The accused/petitioner is named in the F.I.R. and is in
custody since 02.04.2022.



The allegation against the petitioner is of rash and negligent driving, while in drunken condition meet with an accident, causing injury to father of informant, who died, subsequently, during course of treatment.

Learned counsel appearing on behalf of the petitioner submitted that initially the case was registered under Sections 290, 279, 307, 337 and 338 of Indian Penal Code and after death of the father of informant, the charge-sheet has been submitted under Section 304(A) before learned trial court, which isailable in nature. It is submitted that after going through the material learned trial court took cognizance under Section 302 of the Indian Penal Code for the simple reason that the FIR was lodged under Section 307 of the Indian Penal Code, by ignoring the admitted fact of accident. It is further submitted that petitioner is a man of clean antecedent, where, 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 duly assisted by learned counsel for the informant, while opposing the prayer of bail, fairly conceded the fact that after the death of the father of informant, charge-sheet was submitted under Section 304A of the Indian Penal Code.



Considering the facts and circumstances as mentioned above, as occurrence appears accident on its face 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 Harlakhi P.S. Case No. 84 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned J.M., 1st Class, Benipatti, Madhubani/concerned court, subject to the condition as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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