

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.70494 of 2021**

Arising Out of PS. Case No.-109 Year-2021 Thana- BAJPATTI District- Sitamarhi

Surendra Ram @ Surendra Kumar, Son of Dularchandra Ram, Resident of Village - Vangaw Bazar, Ward No. 9, Police Station - Bajpatti, District - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Ms.Madhubala Verma, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA**  
**ORAL ORDER**

3      11-10-2022                      Heard learned counsel for the petitioner and learned  
APP for the State.

Learned counsel submits that Section 120(B) of the I.P.C. has not been mentioned in paragraph 1 while filing the petition and prays to insert the same in paragraph 1 in course of the day. She is allowed to do so.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Bajpatti P.S. Case No. 109 of 2021 registered for the alleged offences under Sections 302, 34 and 120(B) of the Indian Penal Code.



As per prosecution case, the family members of the informant were called to the police station to patch up the dispute with the petitioner and other co-accused persons over drainage. When the uncle and aunt of the informant were returning from the police station, on order being given by co-accused Dularchandra Ram, the petitioner dashed his motorcycle in high speed with the father and mother of the informant causing serious injuries to them. The petitioner allegedly dashed his motorcycle again and again on the parents of the informant. Subsequently, they died while being taken to the hospital.

Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. The prosecution story is not believable. The occurrence took place in broad day light but it appears that nobody has seen the occurrence except the informant and her family members. The real fact is that the parents of the informant met with an accident and it was a case of accidental death but due to dispute between the petitioner and informant's family, they have been dragged in this case. It has been alleged that the petitioner was driving a motorcycle but the petitioner does not have any motorcycle and during investigation, even the police did not



recover any motorcycle. Though, the informant claims that she and her family members went to police station to patch up the matter but no material on this point has been produced before the police and it appears that the informant was even not an eye witness to the alleged occurrence. The petitioner was not even present at the spot when the alleged occurrence took place. As it is a case of accidental death, no offence under Section 302 of the Indian Penal Code would be made out against the petitioner. Charge sheet has been submitted in this case and the petitioner is in custody since 05.06.2021.

Learned APP for the State opposes the prayer for bail of the petitioner submitting that there is specific allegation against the petitioner that he dashed his motorcycle on parents of the informant and due to repeated act of the petitioner, they lost their lives.

Perused the records.

Having regard to the facts and circumstances and submission made on behalf of the parties and further considering the improbability of the act attributed to the petitioner for causing death of the parents of the informant, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two



sureties of the like amount each to the satisfaction of learned S.D.J.M, Pupri, Sitamarhi in connection with Bajpatti P.S. Case No. 109 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

**(Arun Kumar Jha, J)**

Gautam/-

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