

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20788 of 2022

Arising Out of PS. Case No.-322 Year-2021 Thana- HARLAKHI District- Madhubani

1. GUDDU KUMAR @ GUDD KUMAR RAJU KUMAR SINGH R/o village- Pipraun, P.S.- Harlakhi, District- Madhubani
2. Rajan Kumar S/o Mohan Mahto R/o village- Pipraun, P.S.- Harlakhi, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Murari Narain Chaudhary
For the Opposite Party/s	:	Mr. Chandrabhushan Prasad, A.P.P.
	:	Mr. Shailendra Kumar Jha, Advocate
	:	Mr. Amitesh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 06-01-2023 Heard learned counsel for the petitioners, learned counsel for the informant and learned A.P.P. for the State through virtual Court proceedings.

The petitioners seek bail in a case registered for the offences punishable under Sections 302, 201 and 34 of the Indian Penal Code.

Learned counsel for the petitioners submits that the petitioners are in custody since 13.12.2021 and are persons with clean antecedent.

The informant alleges that on 11.12.2021 at about 4:00 PM, his elder brother had proceeded for S.F.C. godown, Umgaon via truck on which government grains were loaded, it



is next alleged that he reached the S.F.C. godown in the evening and on 12.12.2021, he received an information that his elder brother has been murdered and his dead body is lying on the East road which has been recovered by the police and sent for postmortem.

Learned counsel for the petitioners submits that petitioners have been falsely implicated in the present case, it is next submitted that the FIR was instituted against unknown and during the course of investigation, the petitioners were apprehended and they confessed that they were also the driver of another truck and deceased was sleeping on the road and as such, the petitioners could not see and while they were trying to back the truck, and the same, by mistake and unintentionally the deceased got crushed. The learned counsel next submits that petitioners have confessed in his confession that the deceased died on account of negligence committed by him in moving the truck, it is further submitted that even otherwise there was no intention for the petitioners to kill the deceased as it has not come during the course of investigation that there was any previous dispute between the two or were known to each other, it is also submitted that no doubt a serious occurrence took place, but then the same was not intentional and the petitioners



will not abscond rather will cooperate in the trial to prove their innocence that it is not a case of murder.

Learned A.P.P. for the State and learned counsel for informant oppose the prayer for bail of the petitioners, but are not in a position to rebut the submissions of the learned counsel for the petitioners that the petitioners got implicated in the present case based on his confession, as aforesaid.

Considering the submissions made by the learned counsel for the petitioners, the petitioners above named be released on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Harlaxhi P.S. Case No. 322 of 2021.

(Satyavrat Verma, J)

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