

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22632 of 2023

Arising Out of PS. Case No.-372 Year-2017 Thana- BHORE District- Gopalganj

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BANSHIDHAR SHARMA @ BANSHI SHARMA SON OF LATE JAISHU SHARMA RESIDENT OF VILLAGE- MACHHAGAR LACHHIRAM, PS-HATHUA, DISTT- GOPALGANJ

... .. PETITIONER/S

VERSUS

THE STATE OF BIHAR

... .. OPPOSITE PARTY/S

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Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Dubey, Advocate
For the Opposite Party/s : Mr. Pramod Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 06-07-2023 Heard learned counsel for the petitioner and the State.

Petitioner apprehends arrest in a case registered for the offence punishable under sections 147, 148, 149, 188, 287, 304, 294 of the Indian Penal Code and under section 9 of the Bihar Control Loudspeaker.

It is alleged that on the alleged date and time of occurrence, an orchestra programme was organized by Mahabiri Aakhada on the stage made on the tractor, meanwhile the stage was high, as a result of which it came in the contact of high voltage electric wire in which four persons died on the spot and rest of the two were brought to the hospital in which one of



them declared dead. It is further alleged that the tractor driver fled away with of the tractor.

It is submitted that petitioner is innocent and has falsely been implicated in this case due to enmity with the local chaukidar. Petitioner is not named in the F.I.R. He next submits that petitioner is neither the owner of the tractor nor operator of the D.J. He neither participated in the procession nor he was present at the place of occurrence. Hence, no offence under sections 147, 148, 149, 188, 287, 304, 294 of the Indian Penal Code and under section 9 of the Bihar Control Loudspeaker is made out against the petitioner. Petitioner claims clean antecedent.

Learned counsel for the State opposes the bail petition of the petitioner.

Considering the aforesaid facts and circumstances of the case, in the event of arrest or surrender within six weeks from today, let the petitioner, as named above, be enlarged on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M Gopalganj, in connection with Bhore P.S. case no 372 of 2017, subject to the conditions laid down under



section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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