

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39255 of 2023

Arising Out of PS. Case No.-24 Year-2023 Thana- KOTWA District- East Champaran

Samshul @ Samshul Ansari Son Of Fida Hussain Resident Of Village - Sedari
/ Sewrahi, Police Station And District - Kushinagar, Uttar Pradesh.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Karandeep Kumar
For the Opposite Party/s : Mr.Madhuri Lata

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 03-08-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in a case registered for the offence punishable under Sections 279, 304, 304(A) of the Indian Penal Code.

3. As per FIR, when the father of the informant was returning to his house on his bicycle, in the way, a car dashed, due to which he fell on the bonnet of car. He raised alarm to stop the vehicle, but the driver of the said car did not stop the car and after eight kilometer, the driver dropped the father of the informant on ground and thereafter, he crushed him by his car, as a result of which he died.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. He submits that the petitioner is the driver of the car from



which alleged accident took place. He submits that if any accident took place assumed to be true due to driving on the road, then only Section 304(A) and 279 of the IPC may be attracted. He submits that the petitioner is a bonafide driver bearing license No. UP5720150016437 valid upto 29.07.2035. He further submits that petitioner has no criminal antecedent as stated in para-3 of this application.

5. Learned APP for the State opposes the prayer for bail.

6. Considering the facts and circumstances of the case and the fact that deceased died due to road accident, let the above named petitioner in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) 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 Kotwa P.S. Case No. 24 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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