

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44356 of 2022**

Arising Out of PS. Case No.-24 Year-2022 Thana- LAKHISARAI District- Lakhisarai

SUDHIR SAW Son of Rajo Saw Resident of Village - Hasanpur, P.S.- and
Distt.- Lakhisarai.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kr. Thakur, Sr. Advocate

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

**CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER**

6 16-03-2023 Let the defect(s), if any, pointed out by the office be removed within three weeks from the date of this order, failing which the matter be listed again under the appropriate heading for necessary action.

Heard learned senior counsel for the petitioner and the learned APP for the State.

Petitioner seeks regular bail in connection with Lakhisarai P.S. Case No.24 of 2022 registered for the offences punishable under Sections 302, 120B/34 of the Indian Penal Code.

As per the prosecution, the informant alleged that this petitioner along with co-accused persons collided the alleged



pickup vehicle with the deceased with regard to previous enmity, due to which the victim died.

The main submissions advanced by the learned counsel for the petitioner are that in the instant matter the inquest report was prepared on 08.01.2022 at 8 p.m. in the presence of two brothers of the victim and in the inquest report the reason of death at that time was shown as being motor accident and the inquest report was prepared at Sadar Hospital and thereafter the CCTV camera installed near the place of occurrence was examined in which only one person driving the alleged vehicle was seen, no doubt as per the said footage the driver of the alleged vehicle hit the victim after going on wrong side but that incident was completely a motor accident and the same was not committed intentionally in furtherance of any conspiracy with the petitioner and other co-accused persons and during the investigation the registered owner of the said vehicle as well as the driver of the alleged vehicle who was driving the said vehicle at the relevant time were investigated and interrogated and it came into light that the alleged vehicle was registered in the name of Hema Devi, wife of one namely Pradip Kumar who purchased the said vehicle on financial loan and on account of the loan amount having been not paid he sold the



said vehicle to one namely Rohit Kumar and the alleged vehicle was in the control and possession of said Rohit Kumar and he was getting the said vehicle driven by his driver namely Mahesh Saw and during investigation the police investigated the matter on the said points but any connection between the alleged driver Mahesh Kumar, owner of the alleged vehicle with petitioner was not found and even scientific investigation was made on the point of mobile communication between the said driver, owner and the accused persons named in the FIR but even then the police did not get any evidence to show any conversation or link in between them and accordingly the instant matter completely relates to motor accident which resulted in death of the victim.

Learned APP appearing for the State has opposed the bail prayer.

Heard both the sides, perused the FIR and the case diary of this case. Though, as per the FIR, there was not good relation in between the petitioner and the deceased on account of previous litigation but the learned Sr. Counsel has mainly taken the plea that the deceased died due to a motor accident in which the petitioner had no connection and during the investigation, the present registered owner of the vehicle and its driver, who was driving the alleged vehicle at the time of



commission of the alleged occurrence, were investigated from all angles and no connection in between them and the petitioner was found and in CCTV footage of the camera installed nearby the place of occurrence, only one person being driver was seen when the alleged occurrence took place and in rebuttal of the said plea, no submission has been made by the prosecution and the petitioner has been languishing in jail since 25.05.2022 and against him the investigation has been completed. Considering all these facts, in the opinion of this Court a lenient approach can be taken in respect of the petitioner's prayer, let the petitioner be released 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 concerned Court in connection with Lakhisarai P.S. Case No.24 of 2022, on the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court below and shall remain physically present as directed by the Court below and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the



witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

(3) One of the bailers shall be a close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

(4) As the supplementary investigation is still pending, so if any link or connection between the petitioner and the driver of the alleged vehicle is found then the prosecution will have a right to make a prayer before the trial court for cancellation of the privilege of bail granted to the petitioner by the present order and upon such prayer, the trial court will examine the prayer of the prosecution and shall take strict action against the petitioner by way of cancellation of his bail bond, if any link or connection in between the petitioner and driver of the alleged vehicle during the relevant period of the commission of the alleged occurrence is found.

(Shailendra Singh, J)

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Siddharth/-

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