

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47531 of 2023

Arising Out of PS. Case No.-495 Year-2022 Thana- DESARI District- Vaishali

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LALU KUMAR @ LALU YADAV Son of Ram Prasad Yadav Resident of
village - Maliyatri Amawan, P.S. - Rajauli, Distt. - Nawada

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anuj Kumar, Advocate

For the Opposite Party/s : Ms. Indu Kumari Srivastava, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

6 13-12-2023

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of regular bail in connection with Desari P.S. Case no.495 of 2022 registered under sections 279, 337, 338 and 304A of the Indian Penal Code and section 37(b) of the Bihar Prohibition and Excise Act, 2016.

3. As per the prosecution case, as a result of rash and negligent driving of the petitioner, it is stated that the truck being driven by the petitioner met with an accident, as a result of which eight persons died and four persons were seriously injured.

4. It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case. Even accepting the case of the prosecution for the sake of argument, there was no intention on part of the petitioner to commit the



alleged offence. The petitioner is in custody since 2.12.2022 and has no criminal antecedent. Investigation has been completed in the case and the petitioner undertakes to cooperate in the trial.

5. Heard learned A.P.P. for the State.

6. A report was called for from the learned trial Court. As per the report received contained in letter dated 6.12.2023 from the Exclusive Special Excise Court no.1, Vaishali at Hajipur, charge was framed in the case. Out of nine prosecution witnesses, three prosecution witnesses have been examined.

6. Having heard learned counsel for the parties and taking into consideration the allegation against the petitioner in the FIR and specially the progress in the trial in the learned trial Court as per which three out of nine witnesses have been examined on behalf of the prosecution, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

7. Learned trial Court is directed to expedite the trial and to conclude the same at the earliest preferably within a period of six months from the date of communication of this order.

(Partha Sarthy, J)

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