

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54568 of 2023

Arising Out of PS. Case No.-125 Year-2023 Thana- MEHANDIA District- Jehanabad

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AJEET KUMAR S/O SATYANARAYAN PANDIT R/O NEAR KALI
MANDIR, ARWAL, SIPAH, P.S- ARWAL, DISTT.- ARWAL, BIHAR, PIN
CODE- 804401.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rohit Mishra, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 22-09-2023 Heard learned counsel for the petitioner and the

State.

2. Petitioner apprehends arrest in a case registered for

the offence punishable under section 304 of the IPC.

3. It is alleged that this petitioner committed murder
by crushing the neck of the informant's Nati by his Bullet
motorcycle .

4. It is submitted by learned counsel for the petitioner
that the petitioner has not committed the alleged offence, it was
just an accidental death. If the allegations made in the F.I.R. are
taken to be true, it would be evident that the petitioner had no
intention to kill the deceased. At best, on the basis of allegations
made in the F.I.R. offense under 304(A) of the Indian Penal



Code, is made out which is bailable. He further submits that from bare perusal of the F.I.R., it is also apparent that the petitioner had no 'mens-rea' for committing the alleged offence. The occurrence narrated in the F.I.R. itself suggests that the same was a mere accident. Petitioner claims clean antecedent.

5. However, learned counsel for the State opposes the prayer for bail and submitted that there is specific and direct allegation of committing murder by Bullet motorcycle is against this petitioner and the informant in his statement at para-5 of the case diary and witnesses at paras-6 and 7 of the case diary have supported the case of the prosecution. The Postmortem report reveals that cause of death is due to hemorrhage and shock caused by head injury leading to CR failure and death.

6. Considering the aforesaid facts of the case and gravity of allegation, prayer for pre-arrest bail of the petitioner is rejected.

(Prabhat Kumar Singh, J)

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