

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56726 of 2023

Arising Out of PS. Case No.-32 Year-2022 Thana- TETERHAT District- Lakhisarai

SACHIDANAND PRASAD S/O SIDHESHWAR MISTRI R/O VILLAGE-
KISHUNPUR, P.S- NOORSARAI, DISTT.- NALANDA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Samir Kumar Sinha, Adv.

For the Opposite Party/s : Mr.Anish Chandra, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 30-08-2023 1. Heard the learned counsel for the petitioner and
learned APP for the State.

2. This is an application for grant of anticipatory
bail in connection with Tetarhat P.S. Case No.32 of 2022,
registered for offences under Sections 304 and 34 of the Indian
Penal Code.

3. The allegation is regarding a truck, bearing
Registration No.BR-21GA 8343, having hit the son of the
informant, while he was talking on a mobile phone, resulting in
him succumbing to injuries during the course of treatment.

4. The learned counsel for the petitioner has
submitted that the petitioner is innocent, he has been falsely
implicated in the present case and he is having a clean
antecedent. The learned counsel for the petitioner has further



submitted that the petitioner is merely the owner of the vehicle in question and infact the truck was being driven by the driver, namely, Amit Kumar, as is apparent from the impugned order dated 17.07.2022, which also shows that cognizance has been taken under Sections 304/34 of the IPC against the driver Amit Kumar and the petitioner by the learned Court of C.J.M., hence it is submitted that the petitioner be granted the benefit of doubt for the purposes of grant of the privilege of anticipatory bail.

5. *Per contra*, the learned APP for the State has vehemently opposed the prayer for bail.

6. Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that it is the case of the petitioner that he is merely the owner of the truck, which was being driven by one, Amit Kumar, at the time the truck hit the son of the informant, apart from the fact that the petitioner is having a clean antecedent, I deem it fit and proper to admit the petitioner to the privilege of anticipatory bail.

7. Accordingly, the above named petitioner is directed to be enlarged on anticipatory bail, in the event of his arrest or surrender before the court below, within a period of



four weeks from the date of receipt/production of a copy of this order, on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Lakhisarai in connection with Tatarhat P.S. Case No.32 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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