

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61387 of 2023

Arising Out of PS. Case No.-67 Year-2018 Thana- SAHODARA District- West Champaran

PRASANT KUMAR SHRIVASTWA @ CHINTU @ SHAILENDRA
KUMAR SRIVASTWA SON OF OM PRAKASH SHIRVASTWA @
TUNTUN SHRIVASTWA RESIDENT OF VILLAGE - PANDEY TOLA
WARD NO.23, POLICE STATION - SHIKARPUR, DISTRICT - WEST
CHAMPARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Bashishtha Narayan Mishra, Adv. Mr.Brij Kishor Mishra, Adv.
For the Opposite Party/s	:	Mr.Uday Chand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 21-12-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Sahodara P.S. Case No. 67 of 2018 registered for the offences
punishable under Sections 302, 201, 34 of the Indian Penal
Code.

3. As per prosecution case, on 02.09.2018 petitioner
along with co-accused Rajan Pandey came on a motorcycle and
called the informant's son from his house and took him towards
Sahodra and when the son of the informant did not return back
till 4:00 PM, the informant started making call to his son but no
contact could be made. In the same night, the informant



received information that police took informant's son to the hospital in injured condition and when the informant reached Narkatiaganj Hospital, he found his son dead.

4. Learned counsel for the petitioner submits that during the course of investigation the material has been collected that informant's son alongwith petitioner and other was going on a motorcycle but they met an accident as the said motorcycle fell off the bridge and on account of said reason, police has submitted charge sheet under Sections 279 and 304A of the IPC but the learned court has taken cognizance under Sections 302, 201 and 34 of the IPC. Petitioner is in custody since 01.08.2023 and bears no criminal antecedent.

5. The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Bettiah, West Champaran in connection



with Sahodara P.S. Case No. 67 of 2018, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

shahzad/-

U		T	
---	--	---	--

