

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63449 of 2022

Arising Out of PS. Case No.-263 Year-2022 Thana- LAXMIPUR District- Jamui

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PRAVIN KUMAR @ PRAVIN YADAV S/O ASHOK YADAV Resident of
village- Shahjadpur, P.S.- Shahjadpur, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Akash Raj, Advocate

For the Opposite Party/s : Mr. Shyameshwar Dayal, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 26-04-2023 Heard the parties.

The petitioner is in custody in connection with Laxmipur P.S. Case No. 263 of 2022 under Sections 279, 333, 337, 307, 353, 427, 379 and 411 of the Indian Penal Code and Section 21 of MMDR Act, 1957 and rule-56(2) of Bihar Minerals (Concession, Prevention of Illegal Mining transportation and Storage) Amendment rules 2021, lodged on 07.08.2022 by the informant Mantu Kumar.

The prosecution case, in brief, is that P.S.I Mantu Kumar submitted written report alleging that during the course of vehicle checking at 13:40 hours at Kohbarwa More, a Truck bearing registration No. JH10CE-6199 was coming from Laxmipur market side overloaded with sand. When the informant signalled the truck driver to stop the vehicle and



demanding Challan regarding the sand but the truck driver speeded up the truck and informant jumped and saved his life while the driver dashed one constable Pawan Kumar Sah and received serious injuries on his head and other parts of body.

The injured Pawan Kumar Sah got fainted and was admitted in Referral Hospital Laxmipur from where he was referred to Sadar Hospital, Jamui and subsequently, he was referred to Patna for better treatment. The rifle of the constable got damaged and the driver and cleaner fled away from the scene of occurrence. The truck was seized by the police. Accordingly, the FIR.

Learned counsel for the petitioner submits that the occurrence is of 06.08.2022 and the informant chose 24 hours to lodge the F.I.R. and in the process has roped in amongst other, the petitioner here. He further submits that, in between, even the alleged injured was treated on 07.08.2022 at 01:45PM, and only thereafter, the present case.

He as such submits that he has been implicated in this case. He further submits that without accepting the allegation and the outcome of the present case, he would like to contribute Rs. 10,000/- towards the treatment of the injured person, namely, Pawan Kumar Sah to be submitted to the concerned



Court.

Learned APP opposes the prayer for bail stating that a bare perusal of the F.I.R. would show that in course of checking, the accused chose not to stop the truck and wanted to run over the officials.

Considering the delayed lodging of the F.I.R. which supports the contention of the petitioner's counsel as also that he do not have criminal antecedent, is in custody since 13.08.2022 (as stated in paragraph-12 of the petition) and ultimately, he will have to face the trial, this Court is inclined to grant him privilege of bail subject to payment of Rs. 10,000/- as stated above. If however, it is found that he do have criminal antecedent, the bail order shall become infructuous.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Jamui in connection with Laxmipur P.S. Case No. 263 of 2022, subject to the following conditions:-

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her *bona fide*;

(ii) the petitioner shall appear on each and every date



before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Alok Verma/-

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