

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15014 of 2024

Arising Out of PS. Case No.-388 Year-2021 Thana- BHELDI District- Saran

Rajiv Kumar Ram @ Rajiv Ram S/O Nawal Kishor Ram @ Jai Ram R/O
Village- Molnapur, P.S- Bheldi, Distt.- Saran.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rajesh Kumar, Adv. Mr. Manoj Kumar, Adv. Mr. Praveen Kumar, Adv. Mr. Rohit Kumar, Adv.
For the Opposite Party/s :		Mr. Rajendra Prasad Nat, APP.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 19-04-2024 1. Heard learned counsel for the petitioner and learned A.P.P. for the State.
2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 332, 307, 283, 353, 427, 435 and 504 of the Indian Penal Code read with Section 3/4 of Prevention of Damage to Public Property Act.
3. Learned counsel for the petitioner submits that this is the third attempt of the petitioner to seek anticipatory bail. It is next submitted that the petitioner had earlier moved this Court seeking anticipatory bail by filing Cr. Misc. No. 52151 of 2022, but the same was permitted to be withdrawn by an order dated



19.10.2022 thereafter again the petitioner moved this Court seeking anticipatory bail by filing Cr. Misc. No. 27806 of 2023 and the same was also permitted to be withdrawn.

4. Learned counsel next submits that he is aware of his limitation in making submission seeking anticipatory bail in the case for the third time but then submits that certain relevant and existing facts could not be brought to the notice of the Court which led to withdrawal the anticipatory bail application of the petitioner. It is next submitted that for the same occurrence, two F.I.Rs have been instituted, the first one by the police being Bheldi P.S. Case No. 388 of 2021 dated 10.12.2021 and the second F.I.R. has been instituted by the mother of the deceased Raju being Bheldi P.S. Case No. 389 2021 dated 12.12.2021.

5. It is next submitted that in sum and substance the allegation in Bheldi P.S. Case No. 388 of 2021 is that the informant alleges that the villagers were protesting the accident which had occurred on account of which there was a traffic blockade and Chandan along with petitioner had indulged in creating ruckus at the spot on account of which one of the injured could not be taken to the hospital and thus he died. It is next submitted that from perusal of Bheldi P.S. Case No. 388 of 2021 it would manifest that the police reached the place of



occurrence at 2:30 pm on 10.12.2021 i.e. the date of occurrence and thereafter instituted Bheldi P.S. Case No. 388 of 2021 with the aforesaid allegations.

6. It is further submitted that the mother of Raju also instituted Bheldi P.S. Case No. 389 dated 12.12.2021 Annexure P/5 wherein it is alleged that on 10.12.2021 at about 8:00 am Raju along with Vijay had left their home on motorcycle bearing no. BR 31 R 5522 for getting the tank of the motorcycle filled by petrol, thereafter at 8:30 am when they were returning home and reached near a chimney when a Magic Pick-Up vehicle coming from opposite direction bearing registration no. BR 06 GC 5514 dashed the motorcycle on account of which both Raju and Vijay felt and thereafter the Pick-Up vehicle with a view to flee from the place of occurrence crushed both Raju and Vijay and both died at the spot and thereafter the driver of the Pick-Up vehicle fled away leaving the vehicle, thereafter the villagers on coming to know about the occurrence informed the informant and her family members about the death of Raju and Vijay, thereafter the informant reached the place of occurrence along with her family members.

7. Learned counsel thus submits that from perusal of the allegation as alleged in the F.I.R. instituted by the mother of



Raju it would manifest that she specifically states that her son along with Vijay met with an accident on 10.12.2021 at 8:30 am and were crushed to death by the Pick-Up vehicle and on coming to know about the occurrence the informant along with her family reached the place of occurrence. It is thus submitted that from perusal of the FIR of the mother of Raju it would manifest that both Raju and Vijay died on 10.12.2021 in between 8:30-9:00 am and their dead body was lying on the road.

8. Learned counsel thereafter draws the attention of the Court to the postmortem report of Raju and Vijay at Annexure-P/4 and P/6 respectively and from perusal of the postmortem report it would manifest that the doctor has recorded that the death occurred about 8-10 hours back and the postmortem report of the Vijay is also to the same effect. It is thus submitted that if the finding arrived at by the doctors is considered it would manifest that what has been alleged by the mother of Raju in her FIR is true as she alleges that both Raju and Vijay died soon after the accident being crushed by the vehicle, further the postmortem of the deceased Raju and Vijay commenced at 4:10 pm and 4:50 pm on 10.12.2021, respectively, as would manifest from the postmortem report.



9. Learned counsel next submits that Bheldi P.S. Case No. 388 of 2021 instituted by the police alleges that this petitioner along with Chandan and others created ruckus and did not allow the injured Raju to be taken to the hospital on account of which he died but then from perusal of Bheldi P.S. Case No. 388 of 2021 it would manifest that the police got the information of the occurrence at 2:30 pm, thereafter reached the place of occurrence when the accident is said have taken at 8:30 am in the morning which amply demonstrates that the villagers were protesting with the dead body of the two persons who met with accident as alleged by the mother of Raju recorded hereinabove.

10. Learned counsel next submits that the police in order to overcome its own incompetence falsely alleged that on account of ruckus being created by this petitioner the injured Raju could not be taken to the hospital when Raju had already died at 8:30-9:00 am being crushed by the Pick-Up vehicle as such he was not alive. It is also submitted that the police in its FIR also recorded that Vijay had died at the spot. It is thus submitted that it does not appear probable that Raju was alive and the villagers who had gathered would not have allowed the police to take the injured to the hospital when they were



agitating against the accident.

11. It is further submitted that perhaps these facts could not be brought to the notice of the Court earlier on both the occasions when the matter was taken up. It is next submitted that petitioner is a law student and is presently studying in R.P.S. Law College under Bihar University in third year, as would be evident from annexure-P/9 series. It is next submitted that petitioner is a student and if he is sent to the judicial custody his entire carrier would get jeopardized and chances are bright that he might come in contact with hardened criminal which will further restrict his future.

12. Learned A.P.P. for the State opposes the prayer for the anticipatory bail of the petitioner prospect.

13. Considering the submission made by the learned counsel for the petitioner and taking into consideration the fact that petitioner is a student, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six months weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Bheldi P.S. Case



No. 388 of 2021 subject to the conditions as laid down under
Section 438(2) of the Cr.P.C.

(Satyavrat Verma, J)

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