

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17461 of 2024

Arising Out of PS. Case No.-344 Year-2023 Thana- DARAUNDA District- Siwan

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1. Suman Kumar Yadav, Son of Rajnarayan Yadav, R/o Village- Mardanpur, P.S.- Daraunda, District- Siwan
 2. Chhotelal Yadav @ Chhotelal Kumar Yadav, Son of Rajnarayan Yadav, R/o Village- Mardanpur, P.S.- Daraunda, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gajendra Kumar Singh, Advocate
For the Opposite Party/s : Mr. Rana Randhir Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 18-04-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. In this present case, the petitioners are apprehending their arrest in connection with Daraunda P.S. Case No. 344 of 2023, registered for the offences under Sections 304/34 of the Indian Penal Code.

3. As per prosecution case, nephew of the informant came under a falling tree which was being cut by the petitioners and other co-accused persons on a Government land and lost his life.

4. Learned counsel appearing on behalf of the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. The petitioners have not committed any offence and the allegation is that they were cutting the tree lying on PWD land is completely false and concocted. In fact, the



petitioners were cutting the tree standing on their own land at Khata No. 13, Survey No. 4859 area 47 decimals, Thana No. 170, Jamabandi No. 11, Mauja Ramgarh, Anchal Daraunda. Learned counsel further submits that even the PWD has not lodged any case against the petitioners. Nephew of the informant was driving motorcycle at a very high speed and the tree had already been falling and nephew of the informant collided with the falling tree and sustained injuries when fall down on pitch road. He was taken to the hospital by the petitioners along with his uncle. However, during course of treatment nephew of the informant died. Learned counsel further submits that even if the prosecution version is taken to be true, no offence under Section 304 IPC is made out rather it was a case of Section 304A of the IPC. Petitioner Chotelal Yadav raised alarm and warned the nephew of the informant but he did not pay any heed to it and collided with the tree. So it appears to be an accident without any intention to cause death and no negligence could be attributed to the petitioners. Petitioner no.1 is having criminal antecedent of two cases whereas petitioner no.2 is having criminal antecedent of one case in both the cases petitioners are on bail.

5. Learned APP vehemently opposes the submission made on behalf of the petitioners. Learned APP submits that the petitioners were cutting tree lying on Government land and they



were having knowledge that if any person came under the falling tree, he might lose his life.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the possibility of false implication for the offence which might have resulted due to negligence, let the petitioners above named, in the event of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned C.J.M., Siwan/concerned court in connection with Daraunda P.S. Case No. 344 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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