

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29851 of 2024

Arising Out of PS. Case No.-623 Year-2023 Thana- SIWAN CITY District- Siwan

Anwar Ali Son of Jannat Ali @ Jannat Husain Resident of Purab Tola,
Barharia, Police Station- Barharia, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raghav Prasad, Adv.

For the Opposite Party/s : Mr. Nawal Kishore Prasad, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

4 05-10-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Siwan Town P.S. Case No. 623 of 2023 dated 08.12.2023 registered for the offences punishable under Sections 279, 337, 338, 304 and 304A of the Indian Penal Code.

3. As per the prosecution case, on 08.12.2023 at about 05:15 PM, the informant along with her daughter and brother-in-law were returning after attending the examination of Teacher Selection. In the meantime, a truck came and dashed her daughter causing injuries and also crushed her son-in-law to death The driver did not stop the truck and he attempted to flee



and, in that course, the driver crushed Ritesh Sharma (aged about 15 years old) to death who was ridden on a motorcycle. The driver again hit Jawed Ali who was thrown away from his motorcycle. Seeing the accident of Jawed Ali, public tried to stop the truck by making noise but the truck did not stop. The driver again speedily dashed a bike rider who was trapped in ahead bonnet of the truck and he kept on crying for '**Bachao Bachao**' (rescue) and nearby public were trying to stop the truck. But the driver knowingly began to flee away with the truck at high speed while the driver knew that he would be saved. Consequently, the said person was crushed to death.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The petitioner has no concern with the alleged occurrence and he has been made victim in this case only suspicion. The petitioner is the driver of the seized truck. The said offence is bailable in nature. The charge-sheet has been submitted u/ss 279, 337, 338, 304, 304A of the I.P.C. against the petitioner. The petitioner has no criminal antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 09.12.2023.

5. Learned A.P.P. for the State has opposed the bail



petition of the petitioner and submitted that the petitioner was driving the truck without having driving license and dashed the informant's daughter and her son-in-law due to which her daughter sustained injury and her son-in-law succumbed to his injuries on the spot. Further, two persons were also crushed to death by the petitioner's truck when they were riding the motorcycles on the road. Learned counsel has further submitted that it is a case of triple murder. It is submitted that the said driver crushed the three persons to death while driving the said truck at high speed knowingly and intentionally. It is further submitted that the injured persons sustained severe injuries. As per the post-mortem reports mention in para 40 to 42 of the case diary, the cause of death of Abhishek Kumar, is shock and hemorrhage due to above mentioned injury caused by hard, heavy and rolling object, the cause of death of Ritesh Kumar is shock and hemorrhage due to above mentioned injury by hard, heavy and rolling object and the cause of death of Vimlesh Kumar due to above mentioned injury caused by hard, heavy and rolling object.

6. Considering the aforesaid facts and circumstances of the case as well as the specific and heinous nature of offence against the petitioner, this court is not inclined to grant bail to



the petitioner and the same is rejected in connection with Siwan
Town P.S. Case No. 623 of 2023, pending in the Court of leaned
Chief Judicial Magistrate, Siwan.

7. The application stands rejected.

(Chandra Prakash Singh, J)

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