

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53625 of 2024

Arising Out of PS. Case No.-50 Year-2024 Thana- TRAFFIC District- Patna

Rahul Kumar Son of Kishori Ray @ Kishori Rai R/O Village- Salempur, P.S.-
Lalganj, District- Vaishali

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Sinha

For the Opposite Party/s : Mr.Umeshanand Pandit

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 25-09-2024 Heard learned Advocate for the petitioner and learned
Additional Public Prosecutor for the State.

2. This is an application for grant of bail to the petitioner, who is in custody in connection with Saguna More Traffic P.S. Case No. 50 of 2024, registered for the offences punishable under Sections 279, 304(A) of the Indian Penal Code and later on Section 304, 201, 120(B) of the Indian Penal Code were added.

3. Allegedly on account of rash driving, the wife of the informant sustained serious injury and subsequently during the course of treatment she died. The petitioner is said to be driving the vehicle, in question, at the time of accident, as per the CCTV footage.

4. Learned Advocate for the petitioner contended that as per the narrations made in the FIR the petitioner is said to



have been present in the vehicle but it has not been resolved as to whether the petitioner was driving the car in question or his driver Anil Kumar Yadav. During the course of investigation, the CCTV footage only reveals that the petitioner get off from the car from the driving seat and only on account of this reason the police came to the conclusion that it is the petitioner who was driving the car but there is no eye witness to the occurrence suggesting that it is the petitioner who had been driving the car. Moreover, after institution of the FIR, the petitioner was released on personal bond but later on when Section 304 of the Indian Penal Code has been added, the petitioner was taken to custody and sent behind the bars on 16.05.2024. It is lastly contended that even if the allegation is taken to be true it can hardly be a case under Section 304(A) of the Indian Penal Code and no offence muchless under Section 304 of the Indian Penal Code is made out.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that because of rash and negligent driving of the petitioner one innocent pedestrian has lost her life.

6. Regard being had to the submissions made on behalf of the parties and considering the allegation which



suggests that the unfortunate occurrence took place on account of rash and negligent driving, coupled with the fact that the petitioner has fair antecedent and the investigation of the crime is complete and the charge sheet has been submitted, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Danapur, Patna in connection with Saguna More Traffic P.S. Case No. 50 of 2024, subject to the condition that one of the bailors shall be the own/close family members of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) The court below shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found



that the petitioner has concealed his criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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