

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.63267 of 2024**

Arising Out of PS. Case No.-61 Year-2023 Thana- THAKRAHA District- West Champaran

Akash Tiwary S/o Shiv Mohan Tiwary R/o Village- Thakaraha, P.S.-  
Thakaraha, District- West Champaran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

For the Petitioner : Mr.Prithvi Nath Mishra  
For the Opposite Party : Mr.Akshay Lal Pandit

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

ORAL ORDER

2      09-09-2024                      Heard learned counsel for the petitioner and learned  
A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Thakaraha P.S Case No. 61/2023 dated 01.08.2023 registered for the offence punishable u/s 279, 337, 338 and 304A of the Indian Penal Code and Section 37 of the Bihar Prohibition and Excise Act.

3. As per the prosecution case, the petitioner along with other co-accused persons in drunken state was coming rashly on a bike and they hit the informant, his wife and his grand daughter knowingly when the informant was milking the buffalo at his door. Due to which the informant's grand daughter died in the course of treatment. Further, the informant's wife also sustained injury in her hand.

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. Learned counsel has submitted that there is no independent eye witness of the alleged occurrence. The petitioner has two antecedents as stated in para 3 of the bail petition. The petitioner is in custody since 11.06.2024.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner by submitting that the motorcycle was being driven by the petitioner rashly and knowingly which caused death of the informant's grand daughter. The charge-sheet has been submitted against the accused persons under Sections 279, 337, 338, 304-II of the IPC and Section 37 of the Bihar Prohibition and Excise Act.

6. Considering the aforesaid facts and circumstances of the case as well as the heinous nature of allegation against the petitioner, this Court is not inclined to grant bail to the petitioner and the same is rejected in connection with Thakaraha P.S. Case No. 61/2023 pending in the court of learned Special Judge Excise, Bagaha, West Champaran.

7. This application stands rejected.

**(Chandra Prakash Singh, J)**

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