

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70505 of 2024

Arising Out of PS. Case No.-278 Year-2024 Thana- DAUDNAGAR District- Aurangabad

Dharmendra Kumar Son of Late Rama Ashray Yadav Resident of Village -
Deokund, Near High School, P.S. - Deokund, District - Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. S. K. Lal with Mr. Pritish Kumar Lal, Advocates
For the Opposite Party/s	:	Mr. M. K. Nirala, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 03-10-2024 Heard Mr. S. K. Lal, learned Advocate for the

petitioner and Mr. M. K. Nirala, 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 Daudnagar P.S.
Case No. 278 of 2024, registered for the offences punishable
under Sections 279, 379, 353, 302, 120(B) and 34 of the Indian
Penal Code.

3. Based upon the self statement of the informant, the
prosecution alleges that in course of patrolling for keeping
watch over the illegal sand mining, on suspicion, the informant
tried to intercept a tractor but the driver of the tractor did not
obey the directives of the informant and other police personnel



and tried to flee away. In course of chase, the tractor in question ran into an agricultural land and when the police constable Deepak Kumar Singh tried to intercept and apprehend the driver, he ran away his tractor over him due to which the constable Deepak Kumar Singh has sustained serious injury and later on died.

4. Learned Advocate for the petitioner contended that the petitioner only being the owner of the tractor in question his name has been implicated in this case. The entire allegation revolves around the driver of the tractor in question, who is said to have not obeyed the directives of the police and later on when the police tried to intercept the driver ran over his tractor over one of the constable due to which he received serious injuries and later on succumbed thereof. It is further contended that the narrations made in the FIR suggest that it was an unfortunate accidental death in course of fleeing away from the place of occurrence and in any view of the matter, the petitioner cannot be held responsible for this. During the course of investigation, it has come that it is one Ramat Kumar @ Raman Kumar, who had been driving the tractor in question at that point of time and the petitioner was not even present at the place of occurrence. It has also come that the alleged occurrence took place after 4:00



pm whereas last exchange of talk between the driver and the owner was made at about 2:29. Be that as it may, the petitioner is a man of fair antecedent and save and except he being the owner of the tractor in question, there is no material suggesting his involvement. In fact, it is a case of rash and negligent driving due to which one of the police constable died and thus in no stretch of imagination it could be a case under Section 302 of the Indian Penal Code rather it is a case of rash and negligent act which attracts 304A of the Indian Penal Code. The petitioner having fair antecedent has been incarcerated since 10.06.2024.

5. On the other hand, learned APP for the State opposed the bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the nature of allegation and the fact that the petitioner having fair antecedent and now investigation of the crime is complete and the charge sheet has been submitted; the entire allegation revolves around the driver of the tractor in question; 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 Sub-Divisional Judicial Magistrate, Aurangabad in connection with Daudnagar P.S. Case No. 278



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.

(Harish Kumar, J)

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