

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81106 of 2024

Arising Out of PS. Case No.-100 Year-2023 Thana- GARHI District- Jamui

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Krishna Das @ Krishna Kumar S/o- Dasrath Das Village- Mahuliyatar, P.S.
Kowakal Dist- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms.Priyanka Singh, Adv.

For the Opposite Party/s : Mr.Uday Pratap Singh, APP

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

ORAL ORDER

2 04-12-2024 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 S.T. No. 95/2024 arising out of Garhi P.S. Case No. 100 of 2023 dated 14.11.2023 registered for the offences punishable u/ss 353, 302, 307, 332, 333, 224, 504, 506, 120B read with Section 34 of the Indian Penal Code.

3. As per the prosecution case, the informant along with two constables received information about illegal sand mining at the ghat of Kiul river. Despite order to stop, the petitioner, Krishna Das who was driver of the tractor, attempted to flee. During that course, the police personnel, Prabhat Ranjan



and Rajesh Kumar Sah were crushed under tractor by the petitioner. The co-accused along with the petitioner fled away on the tractor threatening the informant. The SI, Prabhat Ranjan got severely injured and Home Guard, Rajesh Kumar Sah sustained sever injury. Thereafter, the injured were taken to the hospital where the injured SI, Prabhat Ranjan was declared dead.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. Nothing has been recovered from the conscious possession of the petitioner. Learned counsel has further submitted that the narration of the case shows that it does not fall under the purview of Section 302 of the Indian Penal Code. The dominant intention of the petitioner was to flee away from the place of occurrence with the tractor. It is further submitted that the charge-sheet has been submitted against the petitioner. The petitioner has clean antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 24.11.2023.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner and submitted that the specific allegation against the petitioner who started the said tractor and ran over the SI Prabhat Ranjan and Home Guard



Rajesh Kumar Sah who were brought to the Sadar Hospital, Jamui for treatment where SI Prabhat Ranjan was declared dead. Learned counsel has further submitted that the petitioner has intentionally caused the death of the said person.

6. Considering the aforesaid facts and circumstances of the case as well as the specific and heinous nature of allegation against the petitioner, I am not inclined to enlarge the petitioner above-named on bail.

7. The application stands rejected.

(Chandra Prakash Singh, J)

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