

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2746 of 2025

Arising Out of PS. Case No.-138 Year-2024 Thana- PHULWARIA District- Begusarai

Shashi Kumar @ Shashi Mahto @ Shshi Kumar S/o Chandradeo Mahton @
Chandradeo Mahto @ Chandradeb Mahato R/o Village- Phulwaria-1, ward
no.03, Kairiwari, P.S.- Phulwaria, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sandip Kumar Gautam

For the Opposite Party/s : Mr.Abhay Kumar Roy

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

ORAL ORDER

3 14-05-2025 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 Phulwaria
(Fulwaria) P.S. Case No. 138 of 2024 dated 26.08.2024
registered for the offences punishable u/s 281, 125(b) of the
BNS and section 37 of the Bihar Prohibition and Excise Act
and later on added section 105 (part II) of the BNS.

3. As per the prosecution case, the petitioner being
in drunken condition is alleged to have dashed the
informant's brother from the Scorpio Vehicle bearing No.
BR21D-0969, causing severe injury to him and he became



unconscious. It is further alleged that the driver of the said vehicle was caught by local villagers and was handed over to police. The driver disclosed his name as Shashi Mahto (petitioner). The injured was taken to the hospital for treatment. It is further alleged that the petitioner also dashed one another person namely Birju Kumar causing injury.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The informant is not the eyewitness to the alleged occurrence. It is further submitted that no separate case has been filed on behalf of the wife of the deceased, Birju Kumar. The petitioner has clean antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 26.08.2024.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner by submitting that the petitioner was the driver-cum-owner of the aforesaid vehicle who was driving rashly in drunken condition having alcohol 900 mg/100ml found in breath analyzer test, dashed the informant's brother causing injuries to him and one Birju Kumar succumbed to the injuries. It is further



submitted that the wife of the deceased has filed application before the District Transport Officer (D.T.O.) for compensation of her husband death who died in an accident for which Fulwaria P.S. Case No. 138/24 was lodged.

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

7. The application stands rejected.

(Chandra Prakash Singh, J)

Gautam/-

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