

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20868 of 2025

Arising Out of PS. Case No.-45 Year-2025 Thana- SHAMBHUGANJ District- Banka

Kamdev Sharma Son of Anil Sharma Resident Of Village- Majhgay, Ps-
Shambhuganj, Dist- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Praveen Kumar, Advocate

For the Opposite Party/s : Mr. Ram Naresh Ray, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 14-05-2025 Heard learned counsel for the petitioner, learned
APP for the State and perused the case diary.

2. The petitioner seeks bail in connection with Shambhuganj P.S. Case No. 45 of 2025, instituted for the offences punishable under Sections 281 and 106 of the Bharatiya Nyaya Sanhita, 2023. Section 37 of Bihar Prohibition and Excise Act and Section 105 of the Bharatiya Nyaya Sanhita, 2023 was added later on.

3. The prosecution case, in short, is that, the petitioner in intoxicated condition drove rashly and negligently resulting in the death of informant's husband.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. Charge-sheet has been submitted in this case. No incriminating material has been recovered from the conscious



possession of the petitioner. Learned counsel for the petitioner also submits that the petitioner denied the factum of driving the vehicle in question in an intoxicated state and no urine test or blood test of the petitioner was conducted, so as to testify the factum that the petitioner was in an intoxicated state at the time of driving the vehicle. The petitioner is in custody since 16.02.2025 and has got no criminal antecedent.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner submits that there is direct and specific allegation against the petitioner and it is also submitted that from the CCTV footage collected by the I.O. during investigation, it appears that the petitioner has intentionally caused the death of the victim. Hence, the petitioner does not deserve the privilege of bail.

6. Considering the aforesaid facts and circumstances of the case, nature of accusation and the gravity of the offence, this Court is not inclined to grant bail to the petitioner.

7. The prayer is rejected. The trial Court is directed to expedite the Trial expeditiously.

(Rudra Prakash Mishra, J)

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