

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60911 of 2025

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

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Krishna Das @ Krishna Kumar, aged about 31 years, Male, son of Dasrath Das, R/O village- Mahuliya Tar, P.S. -Kowakol, District -Nawada

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Niranjan Parihar, Advocate
For the Opposite Party : Mr. Umeshanand Pandit, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 17-11-2025 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner seeks bail in connection with STR No. 95/2024, arising out of Garhi P.S. Case No. 100/2023 dated 14.11.2023 registered for the offences punishable under Sections 353, 302, 307, 332, 333, 224, 504, 506, 120B read with Section 34 of the I.P.C.

3. As per the prosecution case, police got information about illegal transportation of sand from '*Chananwar Kiul River*', thereafter, police alongwith his personnel reached near '*Kiul River*' at about 7.30 A.M. and found one *Tractor* loaded



with sand illegally was being carried by two persons including the driver, police directed the driver to stop but he tried to run away upon which police followed and arrested the driver alongwith two other persons. On being asked, they disclosed their names as Krishna Das (petitioner), Mithilesh Thakur and Pawan Das. In the meantime, Truck's driver, namely, Krishna Das (petitioner) started the said Tractor and threatened the police personnel that he would trample them with the tractor thereafter when Prabhat Ranjan tried to stop the tractor from fleeing the petitioner hit him with the tractor and started running away. Thereafter, the co-accused persons namely, Mithilesh Thakur and Pawan Das also tried to flee away. The informant alongwith the police personnel followed them, in the meantime, the father, wife and mother of the informant alongwith 5-6 unknown persons armed with lathi-danda came and started assaulting and abusing the police personnel thereby causing hindrance in the discharge of public duty. It is further alleged that the petitioner with an intention to kill, trampled Rajesh Kumar and Sah and Rajeev Ranjan with the tractor and thereafter all the accused persons fled away by threatening, the police personnel were brought to the Sadar Hospital, Jamui, where the S.I. Prabhat Ranjan was declared dead. Thereafter,



police lodged F.I.R. against all the F.I.R. named accused persons alongwith other 4-5 unknown persons.

4. Earlier prayer for bail of the petitioner was rejected in Cr. Misc. No. 81106 of 2024 vide order dated 04.12.2024 by a Bench of this Court, annexed as Annexure-1 to the present bail petition.

5. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It is further submitted that the police personnel made attempts to catch hold of Krishna Das (petitioner), Mithilesh Thakur and Pawan Das and Krishna Das (petitioner) in the process of fleeing away on the tractor, accidentally, he hit the S.I. Prabhat Ranjan and prior to the alleged occurrence, the petitioner and other co-accused persons had asked the police personal to give way. It is further submitted that the present case do not fall under the purview of Section 302 of the I.P.C. The dominant intention of the petitioner was to flee away from the place of occurrence with the Tractor. It is further submitted that from perusal of the F.I.R., it appears that the petitioner has not assaulted and caused injury to the S.I. Prabhat Ranjan. Patently, the sustaining of injury and death are on account of attempt to stop the tractor. Hence, at best, it is a case under



Section 304A of the I.P.C. which pertains to rash and negligent driving resulting in the death of a person. This is a gross case of two persons coming in the way of a speeding tractor and met with an accident. The petitioner is neither the owner of the sand nor he has extracted the same. Even as per the prosecution case, he was merely trying to go from the banks of the river. The petitioner does not carry out any business related to extraction or sale of sand. He is merely a tractor driver. The police personnel were from Garhi Police Station which falls under Jamui District and the place of occurrence is near the bank of 'Boriya River' which falls under Nawada District. The police had no jurisdiction to raid the banks of the 'Boriya River' as the same do not fall under their jurisdiction. It is submitted that the other co-accused persons, namely, Pawan Das in Cr. Misc. No. 30372 of 2024 vide order dated 30.04.2024 and Mithilesh Thakur in Cr. Misc. No. 29619 2024 vide order dated 29.04.2024 have already been granted bail by a Bench of this Court, annexed as Annexure-3 to the present bail application. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail petition. The petitioner is in custody in this case since 24.11.2023.

6. Learned A.P.P. for the State has vehemently



opposed the bail petition of the petitioner and has further submitted that there is specific allegation against the petitioner who started the said tractor and trampled the S.I. Prabhat Ranjan and the Home Guard Rajesh Kumar Sah who were brought to the Sadar Hospital, Jamui for treatment where the SI. Prabhat Ranjan was declared dead. He has further submitted that the petitioner has intentionally caused the death of the said person.

7. Considering the aforesaid facts and circumstances of the case as well as the specific and 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 STR No. 95/2024, arising out of Garhi P.S. Case No. 100/2023, pending in the court of learned A.D.J.-IIInd, Jamui.

8. The application stands rejected.

9. The learned court below is directed to expedite the trial of the petitioner and conclude the same at the earliest.

(Chandra Prakash Singh, J)

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