

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68887 of 2024

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

Ramat Kumar S/o Rambali Singh R/o Village- Jakhaura, P.S.- Haspura,
District- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rakesh Singh, Advocate
For the Opposite Party/s : Ms. Rita Verma, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 17-01-2025 Heard the learned Advocate for the petitioner and the
learned APP for the State.

2. The petitioner seeks regular bail, who is in custody in connection with Daudnagar P.S. Case No. 278 of 2024 registered for the offence punishable under Sections 302, 353, 379, 279, 120(B), 34 of the Indian Penal Code.

3. The allegation against the petitioner as narrated in the F.I.R. demonstrate that one unknown tractor driver dashed a constable namely, Deepak Kumar Singh, while he was trying to stop the tractor, which was allegedly loaded with illegal sand.

4. Learned Advocate for the petitioner drawing the attention of this Court to the F.I.R. vehemently contended that the F.I.R. has been instituted against unknown owner and the tractor driver. The entire case is based on confessional statement



of the owner of the tractor namely, Dharmendra Kumar who disclosed that it is the petitioner who had been driving the said tractor. It is further contended that even if the allegation levelled in the F.I.R. and the material collected during the course of investigation is taken into account, it transpired that in course of fleeing from the place of occurrence, the constable who was trying to stop the vehicle came by in side of the tractor and due to which, he met an accidental mishap, resulting into his death. The death of the constable *prima facie* appears to be an accidental death and there is absence of *mens rea* on the part of the petitioner. It is further contended that admittedly, there is no eyewitness to the alleged occurrence and the petitioner bears fair antecedent and now, he has been incarcerated since 10.06.2024, the case is fixed for framing of the charge.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that during the course of investigation, it transpired that on the alleged date of occurrence, the petitioner was driving the tractor in question who in course of fleeing from the clutches of the police crushed one of the constable leading to his death

6. Regard being had to the submissions made on behalf of the parties and considering the materials available on record



which *prima facie* suggest that the entire case is based on confessional statement, coupled with the fact that the investigation of the crime is completed and the charge-sheet has been submitted, as also the fair antecedent of the petitioner, let the petitioner, named above, be released on bail **after framing of the charge from the court below** on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Daudnagar, Aurangabad in connection with Daudnagar P.S. Case No. 278 of 2024, subject to the condition that one of the bailors will be the close relatives 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.

(v) The court below shall verify the criminal



antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

7. The bail application stands disposed of.

(Harish Kumar, J)

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