

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.70910 of 2024**

Arising Out of PS. Case No.-564 Year-2023 Thana- SAHARSA SADAR District- Saharsa

Ashok Yadav Son of Vinay Yadav Resident of Village- Patori Ward No. 4,  
P.S.- Bihar, District- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Chandra Mohan Jha, Advocate

For the Opposite Party/s : Mr. Umesh Lal Verma, APP

**CORAM: HONOURABLE MR. JUSTICE S. B. PD. SINGH**

ORAL ORDER

5      22-03-2025                      Heard learned counsel for the petitioner and learned  
APP for the State.

2. The petitioner is apprehending his arrest in connection with Saharsa Sadar P.S. Case No. 564 of 2023 for the offence under Sections 279, 337, 338, 307 and 506 of the Indian Penal Code.

3. As per the prosecution story, the informant being an advocate has alleged that when he was going to Court, driving his motorcycle, suddenly, he collided with an auto rickshaw. There is an allegation on the auto driver that he caused this accident with intent to kill the informant due to previous dispute between them.

4. Learned counsel for the petitioner submits that the petitioner is quite innocent and he has committed no offence



rather he has falsely been implicated in this case due to ulterior motive of the informant. From perusal of F.I.R. itself it would appear that, the petitioner is auto driver and he was driving his auto rickshaw and was going to his home from Saharsa side, when the informant was coming his village by his motorcycle. At the place of occurrence both the vehicles accidentally clashed with each other and informant sustained injury. It is an accidental case, there is no intention and ulterior motive of the petitioner to commit this occurrence. There is delay of total 8 days in lodging the F.I.R. and the reason for the same is also not explained in the F.I.R. In the present case, Section 307 of Indian Penal Code is not made out against the petitioner however other Sections areailable in nature. The informant has added this section for making the case graver.

5. Learned APP opposes the prayer for bail.

6. During the course of argument, learned counsel for the petitioner submits that this is a case of accident and the petitioner was the driver as well as the owner of the alleged vehicle. The alleged vehicle was duly insured at the time of alleged occurrence and the accident was not occurred intentionally on the part of petitioner rather it has come in the case diary that due to rash and negligent driving of the petitioner



the said occurrence took place. Keeping in view the aforesaid facts, this Court is inclined to extend him the privilege of anticipatory bail.

7. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Saharsa, in connection with Saharsa Sadar P.S. Case No. 564 of 2023 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(S. B. Pd. Singh, J)

Ankit Kumar/-

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