

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Revision No. No.606 of 2015

Md. Jalil,
S/o Md. Khalil, R/o Village - Bandhodih, P.O. & P.S. -
Palajori, District - Deoghar Petitioner

Versus

The State of Jharkhand Opp. Party

CORAM: HON'BLE MR. JUSTICE AMITAV K. GUPTA

For the Petitioner : Mr. Indu Shekhar Gupta, Advocate
For the State : A.P.P

05/Dated: 30th September, 2015

Admit.

2. Call for the lower court records.

3. Learned counsel for the petitioner has submitted that the petitioner has been convicted for the offence under Sections 279, 337 and 304(A) of the Indian Penal Code (in short I.P.C) and sentenced to undergo imprisonment for three months each under Sections 279 & 337 I.P.C and R.I for one year under Section 304(A) I.P.C. It is submitted that the trial court and the lower appellate court have failed to appreciate that the petitioner was not driving the vehicle in a rash and negligent manner rather the deceased was sitting on the rooftop of the TATA Maxi being driven by the petitioner. That when the persons sitting on the rooftop of the vehicle started raising *hulla* to stop the vehicle, the driver stopped the vehicle resultantly the carrier on the rooftop of the vehicle fell down along with the persons who were sitting on the roof due to which the informant's nephew sustained injuries and he died on account of the said injuries. That the witnesses have also supported the said allegation and this does not establish any rash and negligent act done by the petitioner. That the petitioner be enlarged on bail as he has a good case for suspension of sentence.

4. Learned A.P.P has not controverted the submissions.

5. Heard. Considering the nature of allegation, the petitioner is directed to be released on bail, during the pendency of the revision, on his furnishing bail bond of Rs.10,000/- (Rupees ten thousand) with two sureties of like amount each to the satisfaction of learned District & Additional Sessions Judge - II, Dumka in connection with Cr. Appeal No.91 of 2010 arising out of G.R. No.398 of 2002.

(AMITAV K. GUPTA, J.)