

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54889 of 2023

Arising Out of PS. Case No.-541 Year-2022 Thana- HISUWA District- Nawada

=====

MUKESH KUMAR S/O KRISHNA YADAV R/O VILLAGE- BUDHAUL,
P.S AND DISTT.- NAWADA.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Birendra Kumar, Adv.

For the Opposite Party/s : Mr. Binod Kumar, APP

=====

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 30-08-2023 Heard Mr. Berendra Kumar, learned counsel for the

petitioner and Mr. Binod Kumar, learned Additional Public

Prosecutor for the State.

2. Petitioner apprehends his arrest in connection with

Hisua PS Case No. 541/2022 dated 12.09.2023 registered for the

offence punishable under Sections 302/34 of the IPC.

3. As per FIR, in the morning of 07.09.2022, co-
accused, Mantu Kumar arrived at the house of informant, took
her son, namely, Gore Kumar (deceased) along with him. It is
further alleged that the informant received an information from
one Rahul Kumar that her son, Gore Kumar was admitted in
Sadar Hospital in an unconscious condition and when the
informant inquired about the same, Rahul told her that Mantu
Kumar had informed him at about 10:45 O'clock that Gore
Kumar had fallen down from a motorcycle and when Rahul



went to village-Pachara, he saw Gore Kumar (deceased) lying in an unconscious condition on the side of road and Mantu Kumar and Mukesh Kumar (petitioner) were standing there. It has further been disclosed that during course of treatment son of the informant died.

4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case on the basis of information received by the informant from Rahul Kumar who has only stated that at the place where son of the informant was lying in an unconscious condition, the petitioner along with Mantu Kumar was standing. He further submits that the motorcycle which was recovered by the police was also found damaged and the MVI has submitted its report before the police on 01.02.2023 stating therein that the vehicle was found damaged from front side, visor assembly, indicator light (right front), electric wiring, shock absorber clamp (broken) etc found damaged, steering handle, front both shock absorber were found bent. On the basis of report of the MVI, the police has converted the charge from Section 302/34 IPC to Section 279, 304(A)/34 IPC. According to the petitioner, it was a case of accidental death as would be evident from postmortem report also in which the doctor has opined the cause of death due to



road traffic accident.

5. Regards being had to the submissions made by the parties, taking into consideration the material on record and the report of MVI as well as postmortem report in which the doctor has opined the cause of death due to road traffic accident, I am inclined to grant anticipatory bail to the petitioner.

6. Accordingly, let the petitioner, named above, in the event of arrest or surrender within six weeks from today, be released on anticipatory bail, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-VIth, Nawada in connection with Hisua PS Case No. 541/2022, subject to the condition as laid down under Section 438(2) CrPC.

(Anil Kumar Sinha, J)

perwez

U		T	
---	--	---	--

