

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72879 of 2024**

Arising Out of PS. Case No.-466 Year-2023 Thana- SIWAN MUFFASIL District- Siwan

Vivek Kumar @ Vivek Kumar Prasad, S/o Ramadhar Prasad @ Ramadhar Prasad Kharwar, R/o village - Sarave Tola Mathiya, P.S. - Siwan Muffasil, Distt. - Siwan

... .. Petitioner/s

Versus

The State of Bihar

.. .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Kumari Anupam, Advocate

For the Opposite Party/s : Mr. Shyameshwar Dayal, APP

**CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER**

2 25-10-2024 Heard learned counsel for petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with Siwan Muffasil P.S. Case No. 466 of 2023 for the offence registered under Sections 302, 307, 341, 323/34 of the Indian Penal Code.

3. As per the prosecution case, on 26.07.2023 when the sister of the informant was coming after discharging her duty, on the way, she saw the stolen motorcycle of petitioner was being carried by two unknown persons. She asked about the motorcycle then they fled away leaving the motorcycle. When sister of the informant came with the motorcycle, petitioner along with other co-accused persons started assaulting her



making allegation of theft, who died during course of treatment.

4. Learned counsel for petitioner submits that petitioner has falsely been implicated in this case due to ulterior motives. The alleged occurrence took place on 26.07.2023 and the deceased died on 04.08.2023 but the FIR was lodged on 24.08.2023 without any plausible explanation. There is no eye-witness of the occurrence. The petitioner himself surrendered before the court on 24.07.2024. She further submits that similarly situated co-accused has already been granted anticipatory bail by this Court vide order dated 31.07.2024 passed in Cr. Misc. No. 24515 of 2024. Petitioner has no criminal antecedent. He undertakes to co-operate in the investigation of the present case.

5. Learned counsel appearing on behalf of the State opposes the prayer for grant of regular bail to the petitioner.

6. Considering the submissions on behalf of the parties, the material available on record, let the petitioner, named above, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned concerned court



below in Siwan Muffasil (OP Mahadeva) P.S. Case No. 466 of
2023.

(Sunil Dutta Mishra, J)

khushbu/-

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

