

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77823 of 2023

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

Mantu Kumar, Son of Sufal Yadav, R/O Village- Malukabigha, P.S.- Nagar,
Dist.- Nawada. Petitioner

Versus

The State of Bihar Opposite Party

Appearance :

For the Petitioner	:	Mr. Vibhuti Ranjan Sonvadra, Advocate
For the Opposite Party	:	Mr. Md. Fahimuddin, APP
For the Informant	:	Mr. Kumud Kishore, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 10-01-2024 Heard learned counsel for the petitioner, learned counsel
for the Informant and learned APP for the State.

2. The petitioner in the present case is seeking pre-arrest
bail in connection with Hisua P.S. Case No. 541 of 2022 registered
for the offences punishable under Section 302/34 of the Indian
Penal Code. He has got no criminal antecedent.

3. As per the prosecution story, on 07.09.2022 at about
07:00 A.M. Mantu Kumar (petitioner) and the son of the
informant Gore Kumar left the house and after some time, the
informant received information from Rahul Kumar that her son
Gore Kumar is admitted in Sadar Hospital in unconscious
condition. When the informant asked Rahul Kumar as to what
happened to her son, he informed that Gore Kumar had fallen
from the vehicle as a result of which he became unconscious and
Mantu Kumar and Mukesh Kumar were also there. It is further



alleged that the son of the informant was referred to P.M.C.H. for treatment and on the way to P.M.C.H., he died. It is also alleged that Mantu Kumar (petitioner) and Mukesh Kumar used to threaten to kill the son of the informant and the informant has suspicion that they killed her son.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. It is submitted that similarly situated co-accused Mukesh Kumar has already been granted privilege of anticipatory bail by a learned Co-ordinate Bench of this Court in Cr. Misc. No. 54889 of 2023.

5. Learned counsel for the petitioner submits that although the case was initially registered under Section 302/34 IPC but later on, it has been converted into a case under Sections 279 and 304A/34 of the Indian Penal Code which would be apparent from the endorsement made on the accident report submitted by the Motor Vehicle Inspector (Annexure '3').

6. Learned APP for the State and learned counsel for the informant have opposed the prayer for anticipatory bail of the petitioner.

7. Having regard to the facts and circumstances of the case, particularly, the materials which have been noticed by learned Co-ordinate Bench of this Court in Cr. Misc. No. 54889 of



2023 while granting privilege of anticipatory bail to the co-accused Mukesh Kumar which are indicating that it is a case of road accident and the same is the cause of death of Gore Kumar, this Court directs that in case of his arrest or surrender within a period of four weeks from today, the petitioner above named be released on bail in connection with Hisua P.S. Case No. 541 of 2022 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-VI, Nawada, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

8. And further condition that 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 step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

9. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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