

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1296 of 2025

Arising Out of PS. Case No.-427 Year-2024 Thana- SAUR BAZAR District- Saharsa

Vivek Kumar S/o- kailash Yadav R/o Village- Khaira PS-Sour Bazar Distt- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nidhi Anand, Adv.

For the Opposite Party/s : Mr. Jagdhar Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

4 08-04-2025 Heard learned counsel for the petitioner and learned APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with Saur Bazar P.S. Case No. 427 of 2024 instituted for the offences under Sections 103(1)/238 & 61 of the Bharitya Nyaya Sanhita, 2023.

3. As per prosecution case, the accusation against the petitioner is of being involved in the murder of the deceased.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case. The petitioner is not named in the F.I.R. as the same has been instituted against the unknown. The name of the petitioner has



surfaced in this case in course of investigation in the confessional statement of the co-accused Dharamdeo Kumar. He further submits that as a matter of fact, the deceased has died by consuming poison which was not given by any of the family member. There is no eye-witness to the alleged occurrence. There is no direct or specific allegation of any overt act against the petitioner rather the same is general and omnibus in nature. The petitioner has no concern with the alleged occurrence. The Investigating Officer, after completion of investigation, has submitted charge-sheet in this case and the cognizance has also been taken by the learned court below on 30.10.2024 under Sections 108, 123, 61(2), 238 of the B.N.S., 2023. The petitioner has no criminal antecedent and is languishing in judicial custody since 03.08.2024 without any rhymes or reason.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that the offence alleged is serious in nature. He further submits that the co-accused Dharamdeo Kumar, in his confessional statement, has confessed his guilt of being involved in the alleged occurrence and has also taken the name of the petitioner and, hence, he does not deserve bail.

6. Having heard rival contention of both the parties



and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner and the petitioner having no criminal antecedent, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Saur Bazar P.S. Case No. 427 of 2024.

(Rudra Prakash Mishra, J)

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