

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5599 of 2025

Arising Out of PS. Case No.-173 Year-2024 Thana- BIRAUL District- Darbhanga

Praveen Kumar Singh, Son of Late Ganga Prasad Singh, village- Parsarma,
PS- Badgaon, Dist- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar, Adv.
For the Opposite Party/s : Mr. Dilip Kumar No. 1, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 09-05-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection
with Biraul P.S. Case No. 173 of 2024 registered for the
offences punishable under Sections 304 and 201/34 of the
Indian Penal Code.

3. Based upon the written report, the prosecution
alleges that the cousin brother of the informant went to G.D.
College Begusarai on 21.04.2024. When he did not return home
late night at 10:00 PM, a search was made by the informant
along with other cousins and later on he came to know that his
brother is found in unconscious condition at Biraul Primary
Health Center. On such information, when the informant along
with others reached there, they were informed that his brother



was taken to D.M.C.H. Subsequently, when the informant and others rushed to D.M.C.H., they found dead body of his brother. It is further alleged that the informant came to know that on account of some rivalry between two groups, his brother was done to death by knocked down through a vehicle.

4. Learned counsel for the petitioner contended that admittedly, the petitioner is not named in the FIR. In fact, the brother of the informant died due to accident and only on account of the fact that on the same day the petitioner also met with an accident while he was going through his Bullet motorcycle bearing registration no. BR078V 2907, his name has been implicated in this case on suspicion. It is the contention of the petitioner that there is no eyewitness to the alleged occurrence nor during the course of investigation, it has come that his Bullet motorcycle hit the cousin brother of the informant. Even for the sake of argument, the allegation levelled in the FIR is accepted for a moment, there is no material available on record which constitutes offence, much less under Section 304 of the Indian Penal Code, rather hardly be an offence under Section 304B I.P.C., which is bailable in nature. It is lastly contended that the petitioner is a man of fair antecedent and he undertakes that he will fully cooperate in the



investigation and the proceedings of the Court.

5. On the other hand, learned counsel for the State opposed the bail application and submitted that, *prima facie*, it appears that by reckless driving of the petitioner, the brother of the informant lost his life.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the occurrence took place on account of collision between two vehicles and there is no eyewitness to the alleged occurrence, coupled with the fair antecedent of the petitioner, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-I, Biraul, Darbhanga in connection with Biraul P.S. Case No. 173 of 2024, subject to the condition as laid down under Section 482(2) of the BNSS, with further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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