

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6734 of 2025

Arising Out of PS. Case No.-326 Year-2024 Thana- BYPASS District- Patna

Shahil Kumar @ Sahil Kumar Son of Ramashish Rai Resident of Village -
Kanauji, P.S. - Gopalpur, District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bindeshwar Prasad Singh, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

3 19-04-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner is in custody in a case registered for an
offence punishable under Sections 103(1), 61(2),3(5) of The
B.N.S. in connection with ByePass P.S. Case No. 326 of 2024.

3. As per the prosecution case, on 17.07.2024,
informant, namely, Ram Babu Rai gave his written statement
before the S.I, Police, Bye Pass, Patna City that on 17.07.2024
his son, namely, Vishal Kumar went out from his house at 5:00
p.m with the FIR named accused persons and on the same night
informant's son was murdered at the north of the March village
and thereafter accused persons returned to their houses. On
18.07.2024 when informant asked them about his son then they



replied that they have left his son at Marchipul but after much search his son could not be traced out then he caught one person, namely, Sahil Kumar on 21.07.2024, upon asking he replied that they have killed his son and after that informant bring both the accused persons to the police station and hand over to the police.

4. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in this case. He further submits that no incriminating article has been recovered from the conscious possession of the petitioner. He further submits that death of the informant's son was caused by an accident and further submits that from perusal of the case diary, it appears that on 18.07.2024 one another case was also registered regarding one accidental death of one unknown person registered as ByePass P.S. Case. No.75 of 2024 and after that said deceased was identified as son of the informant. He further submits that during investigation, petitioner was arrested by the police and from perusal of the para-21 of the case diary petitioner has stated in his confessional statement before the police that death of the deceased, namely, Vishal Kumar was occurred by an accident from his tempo and except this no material has been found against the petitioner at this stage.



Petitioner is in custody since 23.07.2024. He next submits that petitioner has got no criminal antecedent as stated in para-3 of the bail petition.

5. Learned APP for the State opposes the prayer for bail of the petitioner.

6. On perusal of the First Information Report, Post-mortem report of the deceased, case diary and impugned order dated 27.11.2024 it appears that the death of the informant's son has occurred by an accident from the tempo of the petitioner except this no material has been found against the petitioner, so considering the aforesaid facts and circumstances of the case, submission of the learned counsel for the petitioner as well as the fact that petitioner has got no criminal antecedent, let the above named petitioner be released on bail, on his furnishing bail bonds of Rs.10,000/-(Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate in connection with Bypass P.S. Case No.326 of 2024.

(Ramesh Chand Malviya, J)

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