

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7202 of 2025

Arising Out of PS. Case No.-39 Year-2023 Thana- SALIMPUR District- Patna

1. Umesh Prasad S/o Late Shivdhari Singh
2. Nikesh Kumar @ Viky S/o Sri Umesh Prasad
Both resident of Village- Nagarnausa, PS- Nagarnausa, Dist- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar Pathak, Advocate
For the Opposite Party/s : Mr.Madhura Nand Jha, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 28-03-2025 Heard learned counsel appearing on behalf of the
petitioners and the learned APP for the State.

2. Petitioners seek pre-arrest bail in connection with Salimpur P.S.Case No.39 of 2023 registered for the offences punishable under Sections 279 and 304(A) of the Indian Penal Code and later on Section 302 of IPC was added.

3. Learned counsel appearing on behalf of the petitioner submitted that the FIR is against the unknown. He further submitted that the injured person is the son of the informant, who had allegedly met with an accident and died in course of his treatment. The petitioner has been made accused on the basis of the suspicion and the evidence of CDR details, as well as, previous enmity between the parties. The petitioner has



clean antecedent.

5. Learned APP for the State has vehemently opposed the prayer for grant of pre-arrest bail to the petitioner.

6. Having considered the rival submissions made on behalf of the parties, as well as, considering the allegation made in the FIR, which is against unknown, however, CDR details and the tower location of the petitioner establishes the fact that the petitioner was seen allegedly near the place of accident and the petitioner has also admitted that there is previous enmity between the accused and the victim. The postmortem report also shows that there is black stretch mark in the inside neck portion of the deceased, which has been recorded by the district in the impugned order. The aforesaid facts demolish the story of accidental death of the deceased. In such circumstances, I am not inclined to enlarge the petitioner on pre-arrest bail.

7. With the above observation/direction, the present bail application stands dismissed.

(Purnendu Singh, J)

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