

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11993 of 2025

Arising Out of PS. Case No.-366 Year-2023 Thana- DARIYAPUR District- Saran

Lawkush Kumar S/o Ranglal Mahto Resident of village- Sarnarayan, PS-
Dariyapur, District - Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dr. Rajesh Kumar Singh, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 13-05-2025 Heard learned Counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection with Dariyapur P.S. Case No. 366 of 2023 for the offence registered under sections 364, 394, 120(B), 302/34 of IPC lodged on 20.06.2023 by the informant, Raj Kumar Sah.

3. As per the prosecution story, the informant alleged that his son, Krishna Kumar Gupta has been murdered by the accused persons when he went to Gopalganj for business carrying Rs. 1,00,000/-. This led to the FIR.

4. Learned Counsel for the petitioner submits that actually the son of the informant met with train accident which led to lodging of the FIR No. 33 of 2023 in Kushi Nagar as he was found near the railway line of Tinpheria railway station



within Kushi Nagar.

5. The Co-ordinate Bench had called for the case diary which is on record from which paragraph 18 and 19 shows that he was found near the railway line of Tinpheria railway station and was taken to the hospital, where he died. The post-mortem report shows that he was in an inebriated state which led to his fall down/accident/death.

6. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail submitting that the petitioner has delayed coming to the Court.

7. Taking into account the aforesaid facts as also that the different narration has been found in the case diary, it actually relates to train accident, the petitioner has no criminal antecedent, in the background, this Court is inclined to grant him the anticipatory bail with conditions.

8. Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Court of Judicial Magistrate 1st Class in connection with Dariyapur P.S. Case No. 366 of 2023 subject to condition as laid down under Section



438(2) of the Cr.P.C.

(i) one of the bailor should be the family members/relatives of the petitioner, who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

9. Nothing recorded in this order shall be taken up during the trial as it has been considered only for the purpose of grant of anticipatory bail.

(Rajiv Roy, J)

Vijay Singh/-

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