

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.16138 of 2025**

Arising Out of PS. Case No.-559 Year-2024 Thana- BARUN District- Aurangabad

Shiv Shankar Kumar @ Shiv Shankar Singh, Son of Ram Jatan Singh,  
Resident of Village- Kushha, P.S. - Madanpur, District- Aurangabad, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Shailesh Kumar Singh, Advocate

For the Opposite Party/s : Mr. Md. Ataur Rahman, APP

**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR**  
**ORAL ORDER**

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

2. The petitioner is apprehending his arrest in connection with Barun P.S. Case No. 559 of 2024 registered for the offences punishable under Section 105 of the Bharatiya Nagarik Sanhita, 2023. Later on, Section 3(5) of the B.N.S., 2023 has been added.

3. Based upon the written report, the prosecution alleges that on 12.11.2024, at about 12.00 noon, a dead body of unknown persons found near *Pokhararhi Devi Mandir*, wrapped in a cloth marked with '*Rashtriya Swasth Mission*, Bihar, Aurangabad. It is further alleged that the accused persons named in the F.I.R. carried two unknown persons in a Government Ambulance, bearing registration no. BR01PJ 975, and dropped



them in a deserted place and later on, one of them died.

4. Learned Advocate for the petitioner contended that the name of the petitioner has been implicated in this case on account of he being the driver of the Ambulance. It is contended that in fact the petitioner, being the driver of the Ambulance, was not even knowing the fact that whether the body, which was carrying in the Ambulance, is the dead body of the unknown patients or the patients have been discharged after treatment. The petitioner was only directed to abide the direction of the official/ staff of the hospital. Moreover, after recovery of the dead body, a U.D. case no. 34 of 2024 was lodged on 14.11.2024 and the dead body was sent for *post-mortem* examination. During the investigation of the U.D. case, the villagers told that some persons came in the Ambulance and dropped two persons at deserted place, near *Pokhrahi Devi Mandir*. The petitioner has nothing to do with the alleged crime, the two persons were dropped by the staff of the hospital, who were present in the ambulance. Moreover, the other co-accused persons, namely, Hemant Ranjan @ Hemant Rajan, Harendra Kumar, Shailesh Kumar Mishra @ Shailesh Kumar and Suranjan Ram @ Suranjan Kumar, have been accorded the privilege of anticipatory by a coordinate Bench of this Court,



the copies of which have been placed on record.

5. On the other hand, learned APP for the State opposes the bail application and submits that the complicity of the petitioner cannot be denied for the simple reason that he being the driver of the Ambulance has dropped the patient near *Devi Mandir* of village Pokhrai and this fact has been captured in CCTV footage.

6. Regard being had to the submissions made on behalf of the parties and considering the allegation levelled in the F.I.R., which revolves around all the staff of the Sadar Hospital, Aurangabad, coupled with the fact that other co-accused persons have been extended the privilege of anticipatory bail by a Bench of this Court, as also the fair antecedent of the petitioner, let the petitioner, named above, in the event of his arrest or surrender before the court below within four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Aurangabad in connection with Barun P.S. Case No. 559 of 2024, subject to the condition as laid down under 482 (2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 with the



further condition that one of the bailors shall be the own/close  
relative of the petitioner.

**(Harish Kumar, J)**

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