

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35187 of 2025

Arising Out of PS. Case No.-366 Year-2024 Thana- BHARGAMA District- Araria

Manish Kumar Mehta, S/o Shyam Sundar Mehta, R/o Village-Tonha, P.S.-
Bhargama, Dist.- Araria.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Ajay Kumar Thakur, Advocate Mrs. Vaishnavi Singh, Advocate Mr. Ritwik Thakur, Advocate
For the State	:	Mr. Anil Kumar Singh No.1, APP
For the Informant	:	Mr. Sita Ram Prasad, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

7 27-11-2025 Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State duly assisted by

learned counsel appearing for the informant.

2. The accused/petitioner seeks bail in connection

with Bhargama P.S. Case No.366 of 2024 registered for the

offences punishable under Sections 103(1), 61(2) read with

3(5) of the Bhartiya Nyaya Sanhita, 2023.

3. The accused/petitioner is named in the FIR and

is in custody since 09.12.2024.

4. Allegation against petitioner is to kill the minor

son of informant aged about eight years along with other co-

accused persons while they were returning after attending



victory celebration of PACCS election.

5. Mr. Ajay Kumar Thakur, learned counsel appearing for the petitioner submitted that the occurrence is purely accidental, which was given colour of murder without having any cogent material. In support of his submission, it is pointed out that even the injured eye-witness of the occurrence categorically stated that the tractor in issue was hit from back of the motorcycle but, the person, who was sitting as a pillion riders received almost no injury. It is submitted that not only the motorcycle riders but, several other persons have received injuries due to said accident, where the son of informant, who was sitting in between two riders also received head injuries during the occurrence out of which, he died. It is submitted that the informant and injured are from the rival groups and, therefore, they out of unfortunate event of present accident, implicated the petitioner falsely with allegation of committing murder.

6. Arguing further, it is submitted by learned counsel that petitioner is in custody since 09.12.2024 but till date not even a single prosecution witness has been examined



in this case, which also suggest that the trial of this case is not likely to conclude in near future and on this ground alone, the petitioner deserves bail. While concluding argument, it is submitted that investigation of this case is already completed, for which, charge-sheet has been submitted and, as such, there is no chance of tampering with the evidence.

7. Mr. Anil Kumar Singh No.1, learned APP appearing for the State while opposing the prayer of bail submitted that the petitioner being driver of the tractor intentionally hit the motorcycle of injured, as the mechanical inspection report of motorcycle also suggest that it was in fit condition, negating any chance of accident in this case. However, he conceded that the deceased including pillion riders of the motorcycle were not wearing helmet.

8. Learned counsel appearing for the informant adding to the argument of learned APP submitted that out of local political rivalry, the present occurrence took place and it was the intentional drive to harm physically and also to kill the persons of rival groups.

9. Let it be so, from the factual aspects of this



case, *prima facie* the death due to accident cannot be ruled out, coupled with the fact that investigation of this case is already completed, where petitioner remains in custody since 09.12.2024 with no progress in trial, accordingly, the petitioner, above-named, is directed to be released on bail furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate-1st Class, Araria in connection with Bhargama P.S. Case No.366 of 2024, subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure (for short ‘CrPC’)/under Section 480(3) of the Bhartiya Nagrik Suraksha Sanhita (for short ‘BNSS’).

(Chandra Shekhar Jha, J.)

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