

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46505 of 2025

Arising Out of PS. Case No.-100 Year-2024 Thana- KATHAIYA District- Muzaffarpur

Vivek Kumar S/o Late Lalan Singh @ Premnath Singh R/O Village- Jagdwan,
Chapra, PS- Kathaiya, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shashank Shekhar, Advocate

For the Opposite Party/s : Mr.Renuka Ratnakar, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

3 16-09-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 302 and 34 of the Indian Penal Code.

3. The case of the prosecution is that the marriage of the elder sister of the informant was solemnized with one Balmiki Singh about ten years ago and they were also blessed with two children. It is alleged that the brother-in-law of the informant was residing in Pune. On the alleged date of occurrence, it is alleged that all the named accused persons assaulted the informant's sister on account of family feud and partition, due to which, she sustained a serious head injury which proved fatal.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in connection with the present case. It is further submitted that from a perusal of paragraphs 56 and 57 of the case diary, it transpires that the witnesses have stated that during the scuffle, this petitioner only pushed the deceased, as a result of which, she fell down and sustained injury on the back of her head. This fact is also corroborated in the postmortem report. It is further submitted that the only material against the petitioner is that he pushed the deceased which led to the accidental head injury. It is further submitted that the act itself was not sufficient in the ordinary course to cause death and the petitioner had no intention to commit murder. Moreover, the petitioner is languishing in judicial custody since 16.11.2024 having no criminal antecedent.

5. Learned APP appearing on behalf of the state has also conceded and fairly submits that the only allegation against the petitioner is that he has pushed the deceased.

6. Considering the aforesaid facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Kathiya P.S. Case No. 100 of 2024 on



furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Muzaffarpur.

(Ashok Kumar Pandey, J)

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