

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56534 of 2025

Arising Out of PS. Case No.-57 Year-2025 Thana- PALIGANJ District- Patna

Mukesh Kumar S/O Ram Bhajan Singh, R/O Vill.- Malpur, P.S.- Khusrupur,
Distt.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Suraj Kumar Tiwari, Advocate
For the State : Mr. Satyendra Narayan Singh, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

4 10-12-2025 Heard Ld. counsel for the petitioner and Ld. APP for
the State.

2. The petitioner seeks bail, apprehending his arrest,
in connection with Paliganj P.S. Case No. 57 of 2025, dated
01.02.2025, registered for the offences punishable under
Sections 281 and 106(2) of BNS, 2023.

3. As per the prosecution case, deceased-Uttam
Kumar was coming from his office by road on foot. All of a
sudden, one pick up van bearing Registration No. BR01GE-
3421 hit him with great force from the back. The victim was
subsequently admitted in the hospital and later on, he died
during course of treatment.

4. Ld. counsel for the Petitioner submits that the
Petitioner is innocent and has falsely been implicated in this



case. He further submits that the case has been registered under Section 106(2) of BNS, 2023, which is not in force. He also submits that the vehicle was in fact parked on a construction side and some children, who were playing, pushed the vehicle and it automatically slid and hit the victim from the back.

5. It is also stated in paragraph no. 2 of the petition that no similar petition has earlier been filed by the petitioner either before this Court or before the Hon'ble Apex Court.

6. It has further been stated in paragraph no.3 of the bail petition that the petitioner has no criminal antecedent.

7. However, Ld. APP for the State opposes the prayer of the Petitioner for anticipatory bail submitting that even at the stage of considering bail, the Court is required to look into the content of the allegation, not the section applied by the police. As such, the case is covered by Section 106(1) of BNS which provides for punishment upto 5 years. He further submits that as per the submission on behalf of the petitioner, it may be a defence but as a prosecution case, it is very serious case, because the victim has been hit by the vehicle in question on high speed from the back being driven rashly and negligently, resulting into his death during course of treatment. Hence, the petitioner, who is driver of the vehicle, does not deserve any bail



at this stage.

8. Considering the seriousness of the allegation, I am not persuaded to enlarge the Petitioner on anticipatory bail. The bail petition of the Petitioner is dismissed, accordingly.

(Jitendra Kumar, J.)

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