

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56363 of 2025

Arising Out of PS. Case No.-149 Year-2025 Thana- SHRIKRISHNAPURI District- Patna

1. Nikhil Raj S/o Kamlesh Kumar Singh @ Kamlesh Kumar R/o - Mahuabagh, Police Colony, Near Gulab City, Apartment, P.S - Rupaspur, District- Patna
2. Kuldip Kumar S/o Dayanand Prasad R/o - Rastriyaganj, Birla Colony, Near Dr. K. P. Sharma, Phulwarisharif, P.S - Phulwarisharif, District - patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Udbhav, Adv.

For the Opposite Party/s : Mr.Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 12-08-2025 Heard Mr. Udbhav, learned counsel for the petitioners
and Mr. Jharkhandi Upadhyay, learned APP for the State.

2. Petitioners seek regular bail in connection with S.K. Puri P.S. Case No. 149/ 2025 dated 12.06.2025 registered for the offence(s) punishable under Sections 103(1), 109, 115(2), 118(1), 117(2), 132, 324(5), 324(4) and 3(5) of the BNS.

3. The main submissions advanced by the petitioners' counsel are that if the facts of the FIR are taken into consideration then it is clearly evident that the instant matter relates to a motor accident having taken place between the two Scorpio vehicles, at midnight on Atal Path where maximum speed limit is fixed at 80 km per hour and at the relevant time the police party was checking the vehicles and while one Scorpio vehicle bearing registration no. BR01BHT 8437 was



being checked at that time the petitioners' vehicle bearing registration no. BR01HY 4446 came from behind and dashed against the said Scorpio vehicle, which was in standing position, but it is also an admitted position that Atal Path is a wide road, having connectivity with other roads and it is not the case of the prosecution that at the time of the accident, there was some barricading on the road and no signal was given by the police party to stop other vehicles during the course of checking of the Scorpio vehicle bearing registration no. BR01BHT 8437, so, there was no reason for the driver of the Scorpio vehicle bearing registration no. BR01HY 4446 to remain in more alert position and consequently, he applied the break of his vehicle suddenly, resulting in it dashing against the Scorpio vehicle bearing registration no. BR01BHT 8437 causing injuries to the police officials, including a lady constable who lost her life, therefore, the instant matter clearly relates to a motor accident. It is further submitted that both the petitioners are young persons having fair and clean antecedent and have been languishing in jail since 12.06.2025. It is lastly submitted that petitioner No.1 is the owner of the vehicle registration no. BR01HY 4446 and admittedly, he was not driving the vehicle at the relevant time and he is a 3rd year engineering student at I.E.S. College, Bhopal



and petitioner No.2 is a student of Bachelor of Arts at B.D. College, Patna and he was also not driving the vehicle and both the petitioners have been made accused solely on account of their presence in the vehicle as riders.

4. Though, the learned counsel appearing for the State has opposed the bail prayer of the petitioners but fairly accepts that from the prosecution story, prima facie, the offences under 103 and 109 of the BNS are not made out in the present matter and the matter may fall within the purview of rash and negligent driving.

5. Having considered the aforesaid submissions advanced by the petitioners' counsel and mainly taking into account the young age of the petitioners and their educational career as well as genesis of the occurrence, this court is inclined to grant them the relief of bail. Accordingly, let the petitioners named-above be released on bail in connection with S.K.Puri P.S. Case No. 149/ 2025 on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) each with two sureties of the like amount each to the satisfaction of the Court concerned.

(Shailendra Singh, J)

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