

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89705 of 2024

Arising Out of PS. Case No.-27 Year-2024 Thana- KUWARI District- Araria

Vivek Kumar Sah @ Vivek Sah S/o- Binod Kumar Sah Village- Kursakanta
W.No-11, Ps- Kursakanta Dist- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gopal Kumar Jha, Advocate

For the Opposite Party/s : Ms. Pushpa Sinha , APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

3 15-04-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Kuwari
P.S. Case No. 27 of 2024 dated 23.06.2024 corresponding to
S.T. No. 659 of 2024 registered for the offences under Sections
302 and 201 of the Indian Penal Code.

3. The prosecution story in short is that on
22.06.2024, at about 11:00 AM the petitioner Vivek Kumar Sah,
went to Sheeshabadi bridge to take his son Om Kumar Sah for
walk and threw him from the bridge, due to which Om Kumar
Sah died. On hearing the noise, the informant and other people
reached the spot and found Om Kumar Sah, grandson of the
informant, lying dead under the bridge.

4. Learned counsel for the petitioner has submitted that



the petitioner has been falsely implicated in this case under a conspiracy. The allegation leveled against the petitioner is absolutely false and fabricated. The main fact of the case is that the petitioner went to a tea shop while taking his son for a walk, in the meantime, someone called him to push the reactor then the petitioner went to help him, during this time his son Om Kumar Sah slipped and went into deep water, due to which he died. The petitioner also took his son to the hospital to save him, but he could not be saved. The petitioner has nothing to do with this incident. It is lastly submitted by learned counsel for the petitioner that the petitioner is in custody since 24.06.2024 and has no criminal history.

5. The learned Additional Public Prosecutor for the State has opposed the prayer for bail and submits that from perusal of paragraphs 02, 16, 17, 18, 38, 39 and 44 of the case diary it would appear from the statements of the witnesses that the petitioner threw his son into the water from the bridge because the petitioner suspected that the deceased was not his son, which led to his death. He has further submitted that it appears from the death review report mentioned in paragraph 3 of the case diary and the post-mortem report mentioned in paragraph 47 that the deceased died due to drowning in water.



The petitioner has committed a heinous crime and if is released on bail, he may abscond and influence the trial.

6. Considering the serious nature of allegation against the petitioner which has been supported by the witnesses specially Uma Devi mother of the deceased and wife of the petitioner that this petitioner threw his son into the water from the bridge because the petitioner suspected that the deceased was not his son, this Court is not inclined to enlarge the petitioner on bail and hence the prayer for bail of the petitioner is rejected.

(Sourendra Pandey, J)

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