

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1866 of 2025

Arising Out of PS. Case No.-401 Year-2024 Thana- MADANPUR District- Aurangabad

Sunil Kumar S/O Purendra Yadav R/O Village- Badal Bigha, P.S- Madanpur,
Distt.- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Santosh Kumar Pandey, Adv.
For the State	:	Mr. Dinesh Singh, APP.
For the Informant	:	Mr. Jitendra Kumar, Adv.

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 23-04-2025 Heard learned counsel for the petitioner, learned APP for the State and learned counsel for the informant.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 281, 105 of B.N.S., 2023.

3. The prosecution case in the FIR discloses that on 11.10.2024 at about 05:30 PM, two cousin brothers of the informant, namely, Amresh Kumar Singh and Pramod Kumar Singh informed the informant that his own brother was hit by the petitioner Sunil Kumar by his Maruti ECCO Van which was coming from the opposite direction. It has further been alleged that the deceased was hit with force due to which he fell off from the motorcycle and as soon as both the cousin brothers



went to save him, in the meantime, the petitioner Sunil Kumar with the intention to kill him took the car back and once again hit the deceased and fled away. Thereafter, the deceased was taken to the Sadar Hospital, Aurangabad and the informant was informed by the deceased himself about the entire occurrence.

4. Learned counsel for the petitioner submits that the allegations made in the FIR are not correct and as a matter of fact, both the parties are residents of neighbouring villages and there is an admitted land dispute between them existing from before. It is further submitted that the occurrence is said to have taken place on 11.10.2024 at about 05:30 PM, but the FIR came to be lodged on 12.10.2024 at about 05:45 PM, i.e, after a delay of about 24 hours. The further submission is that the FIR does not mention at all as to where exactly the occurrence had taken place. Learned counsel for the petitioner further submits that the present case is a clear case of a road accident and he also draws the attention of this Court to the inquest report and the postmortem report and a perusal of both would go to show that the deceased had received injuries only on the right part of his body being the right hand, right thigh and right knee. It is also contended that the inquest report has been prepared even before the institution of the FIR on 12.10.2024 at 01:05 AM



which has been signed by two witnesses who are neither the informant nor the two persons who are alleged to have informed the informant about the incident and this also makes the story of the prosecution and also the presence of two witnesses alleged in the FIR on the place of occurrence as suspicious. The inquest report also indicates that the death has taken place in a road accident.

5. The application has been opposed by learned APP for the State and learned counsel appearing for the informant by stating that it is a clear case of murder having been committed by the petitioner which stands supported by the fact that the deceased himself has narrated the story to the informant. Besides the said fact, learned counsel for the informant has also submitted that the two witnesses allegedly named in the FIR have also supported their version during the course of investigation.

6. In response to such submission made by learned counsel for the informant, it is submitted by learned counsel for the petitioner that had the deceased been in his senses, there is no reason as to why his dying declaration would not have been recorded in the presence of the I.O. or the doctor. Learned counsel further submits that the factum of the inquest report



having been signed by two other persons who are neither the informant nor the witnesses, also needs to be taken into consideration. The injuries sustained by the deceased would also go to show that they are only on the right side of the body which does not completely corroborate the case of the prosecution that the deceased was run over by the car being driven by the petitioner.

7. Considering all the above mentioned facts and circumstances of the case and particularly the factum of the inquest report stating the death to be one with regard to a road accident death, I am inclined to extend the privilege of anticipatory bail to the petitioner, who has no criminal antecedent. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned CJM, Aurangabad in connection with Madanpur P.S. Case No. 401 of 2024, subject to the condition as laid down under Section 438 (2) of the Cr.P.C/ 482 (2) of the BNSS, 2023.

8. A further condition is imposed upon the petitioner that he would appear before the concerned police station at an



interval of every 15 days till the submission of charge sheet and
would thereafter also co-operate in the trial.

(Soni Shrivastava, J)

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