

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.33664 of 2026**

Arising Out of PS. Case No.-161 Year-2025 Thana- SIMRI District- Darbhanga

HANS KUMAR S/o- Mathura Paswan R/v- Sarda Colony Ps- Anisabad Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                            |   |                                                                                           |
|----------------------------|---|-------------------------------------------------------------------------------------------|
| For the Petitioner/s       | : | Mr. Shivnandan Prasad Singh, Sr. Adv.<br>Mr. Mukund Kumar, Adv.<br>Mr. Kumar Sameer, Adv. |
| For the Opposite Party/s : |   | Mr. Dr. Mrityunjay Kumar Gautam, APP                                                      |

**CORAM: HONOURABLE MR. JUSTICE PRAVEEN KUMAR**  
**ORAL ORDER**

3      21-07-2026                      Heard learned senior counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in a case in connection with Simri P.S. Case No. 161 of 2025 dated 24.05.2025 registered for the offences punishable under Section 302 of the Indian Penal Code.

3. As per the prosecution case, one Pankaj Kumar Mahto who was accused in Simri P.S. Case No. 167 of 2020, which was registered for the offences punishable under Section 392 of the Indian Penal Code, came to be arrested by the Police personnel and was taken into police custody. It has been alleged that during such custody, his condition allegedly got deteriorated. Initially, he was taken to Primary Health Centre



(PHC), Singhwara for treatment and thereafter, he was referred to Darbhanga Medical College and Hospital (DMCH), Darbhanga for better treatment and ultimately, when his condition got further deteriorated, he was referred to Patna Medical College and Hospital (PMCH), Patna where he died during the course of treatment. Following his death, a post mortem was done by the autopsy surgeon, resulting into registration of U.D. Case No. 15 of 2020. On the following day, the statement of the wife of the deceased, Pankaj Kumar Mahto was recorded, which formed the basis of registration of the said U.D. Case. It has been stated by the wife of deceased that she was duly informed by the police about the deteriorating condition of health of her husband. It has further been stated that doctor had informed her that her husband was suffering from multi-organ failure resulting into his death during treatment.

4. Learned senior counsel for the petitioner has submitted that petitioner has been falsely implicated in this case. It has further been submitted that U.D. Case was registered in the year 2020 and the investigation was carried out for five years and ultimately, I.O. of that U.D. Case, filed a written statement which formed the basis of the registration of the present F.I.R. in the year 2025. The basis of registration of the



present F.I.R. was the fact that the deceased has received multiple injuries and the cause of death was opined to be head injury and its complications. The injuries were opined to be inflicted by hard and blunt impact, however, the viscera of the deceased was kept preserved to rule out any natural death or other underlying ailment as the cause of death. Learned senior counsel for the petitioner has further submitted that petitioner, at the relevant time was posted as Assistant Sub-Inspector in the concerned Police Station and he was in no way connected with the investigation of Simri P.S. Case No. 167 of 2020 in which deceased was accused, moreover, petitioner was neither the investigating officer nor Station House Officer (SHO) of the concerned Police Station. Learned senior counsel has further submitted that there is no iota of material against the petitioner and there is no eye witness to the alleged occurrence of assault, if any, meted out to the deceased.

Referring to the impugned order, learned senior counsel for the petitioner has submitted that while rejecting the anticipatory bail application of the petitioner, learned Court below has referred to paragraph nos. 12, 13 and 14 of the case diary wherein these paragraphs contain the statement of the family members of the deceased and they have not averred



anything against the petitioner. Learned senior counsel for the petitioner has further submitted that it is apparent from the F.I.R. itself that the wife of the deceased had not uttered anything against the police officers rather she has stated that her husband was brought to the police station after being arrested and on 29.08.2020 his condition became bad, the said fact was informed by the police to her and also about the steps taken by the police to get her husband medically treated, while the said written statement forms part of the F.I.R. Learned senior counsel has further submitted that the only material against the petitioner is the supervision note of the Deputy Superintendent of Police (DSP) wherein, petitioner has been named to be one of the persons who was involved in the occurrence as against the deceased. It has further been stated in the supervision note that no specific role has been assigned to the petitioner. It has lastly been submitted that petitioner has got no criminal antecedent and he has a good track report of serving in police department.

5. Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioner and submitted that petitioner being a police officer, is alleged to have committed serious act against the deceased, which is not expected from him as he was holding a responsible post.



6. Heard the learned counsel for the parties and perused the records.

7. Considering the facts and circumstances of the case, as well as nature of the material, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail-bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned court of Judicial Magistrate First Class, Darbhanga, in connection with Simri P.S. Case No. 161 of 2025, subject to conditions as laid down under section 482(2) of the B.N.S.S.

8. The application stands allowed.

**(Praveen Kumar, J)**

Ankit Kumar/-

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