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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **BAIL APPLN. 1702/2026 & CRL.M.A. 13690/2026**

VIVEK KUMAR

.....Petitioner

Through: Mr. Nitish Kumar Singh, Mr. Amit Kumar Thakur and Mr. Shashank Kumar, Advocates

versus

STATE (NCT OF DELHI)

.....Respondent

Through: Mr. Aashneet Singh, APP for State with SI Sandeep Singh, PS Lahori Gate

+ **BAIL APPLN. 1706/2026 & CRL.M.A. 13714/2026**

SIYA RAY

.....Petitioner

Through: Mr. Nitish Kumar Singh, Mr. Amit Kumar Thakur and Mr. Shashank Kumar, Advocates

versus

STATE (NCT OF DELHI)

.....Respondent

Through: Mr. Aashneet Singh, APP for State with SI Sandeep Singh, PS Lahori Gate

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

ORDER

04.05.2026

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1. Both the applications being connected are being taken together.
2. Both the applicants seek anticipatory bail in case FIR No. 0114/2026 dated 21.02.2026 registered at Police Station Lahori Gate.



3. FIR was, initially, registered for commission of offences under Sections 126(2)/115(2)/3(5) of *Bharatiya Nyaya Sanhita, 2023* (corresponding Sections 341/323/34 IPC but after the demise of the victim two days later, penal Section 105 of *Bharatiya Nyaya Sanhita, 2023* (corresponding Section 304 IPC) pertaining to culpable homicide not amounting to murder has also been added.
4. As per prosecution, FIR was registered on the basis of information received regarding admission of injured person (name later on known as Kashi @ Kashinder Mukhiya). Police reached at the hospital but since the injured was found unconscious, his statement could not be recorded. No eyewitness could be contacted.
5. However, later on, police was able to lay its hand over CCTV footage which clearly indicated the complicity of both the accused.
6. Applicant Vivek happens to be the son of applicant/accused Siya Ray and according to CCTV footage, both the accused had, mercilessly, beaten up the victim and continued to assault him till he became unconscious. Even after he had fallen unconscious, he was kicked by the accused persons.
7. As per report of Autopsy Surgeon, death was on account of cerebral injuries consequent upon hard and blunt force trauma, surface impact to the head and all such injuries were ante-mortem in nature. It records 09 different injuries.
8. According to the investigating agency, accused persons absconded after the incident and were not even found at their native village situated in Sitamarhi, Bihar.
9. Learned counsel for applicants submits that there was no *mens rea* or motive to cause death of the aforesaid victim and there was a sudden fight



between applicants and victim and, moreover, genesis of the fight and quarrel cannot be attributed to the applicants as the victim himself was aggressor.

10. It is also argued that there is no independent witness of the aforesaid incident and, therefore, it is a fit case where applicants should be released on anticipatory bail as their custodial interrogation is not required.

11. Fact, however, remains that one innocent person has lost his life in the incident in question and the CCTV footage indicates complicity of both the applicants.

12. The Court has also gone through the CCTV footage and keeping in mind the overall facts and circumstances of the case, the CCTV footage and the fact that applicants have absconded after the incident, this Court does not find any compelling reason to release them on anticipatory bail.

13. Both the applications are accordingly dismissed.

14. Other pending applications also stand disposed of in aforesaid terms.

MANOJ JAIN, J

MAY 4, 2026/dr/sy