

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.5810 of 2017**

Arising Out of PS.Case No. -127 Year- 2015 Thana -BEUR District- PATNA

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Neeraj Kumar @ Nikhil Kumar S/o-Sri Ajay Prasad @ Ajay Prasad Singh  
R/v- Chakpar, P.S.- Rajgir, Distt- Nalanda at Present resident of Village-  
Rajendra Nagar, Mahmudichak, P.S. Kadam kuan, Dist- Patna.

.... .... Petitioner

Versus

The State of Bihar

.... .... Opposite Party

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**Appearance :**

For the Petitioner/s : Mr. Vijay Kumar Sinha

For the Opposite Party/s : Mr. Sri Mukesh Kumar Singh

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN  
SHARMA**

**ORAL ORDER**

3      16-03-2017      Heard learned counsel for the petitioner and learned counsel  
representing the State.

Petitioner seeks bail in connection with Beur P.S. Case No.  
127 of 2015 registered for the offence punishable under Sections  
302/34 of the Indian Penal Code.

Allegedly, the petitioner and other co-accused assaulted  
under trial prisoner Chandan Kumar in jail premises causing his  
death and broken cricket bat was also recovered.

Submission is of false implication and that there is no  
specific allegation against the petitioner, some altercation has  
taken place and the petitioner was not involved in that altercation,  
the deceased was found in unconscious state in the morning of the  
alleged occurrence and thereafter, he was taken to hospital where  
he was declared brought dead. The fardbeyan of one constable



who took the deceased to hospital was recorded on 04.07.2015 and in the aforesaid fardbeyan the aforesaid constable stated that the deceased was ill and that was the reason he was taken to hospital. However, after the death of the deceased the present case was lodged by the Jail Superintendent. In course of investigation the other inmates of concerned cell stated that in the midnight of alleged occurrence deceased was assaulted by petitioner and other accused. The post mortem report goes to show that some injuries were found on the person of the deceased. When the Jail authority could not explain the injuries found on the person of the deceased, they implicated the petitioner and other co-accused in the present case. It is also submitted that co-accused Sonu Kumar has been allowed bail vide Cr. Misc. No. 31477 of 2016 by another co-ordinate Bench of this Court and another co-accused Chandan @ Sipahi has also been allowed bail by this Court vide Cr. Misc. No. 762 of 2017 and as such the petitioner deserves sympathetic consideration.

Learned APP fairly submits that other co-accused having similar allegation have been allowed bail.

In the facts and circumstances stated above, the petitioner above named is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like



amount each to the satisfaction of the learned Additional Sessions Judge –IX, Patna in Sessions Trial No. 922 of 2015 arising out of Beur P.S. Case No. 127 of 2015, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

**(Jitendra Mohan Sharma, J)**

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