

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2265 of 2021

Arising Out of PS. Case No.-455 Year-2019 Thana- TAJPUR District- Samastipur

Neeraj Kumar Singh @ Niraj Kumar Singh, son of Shri Mahamaya Prasad Singh, R/O Village-Larua, P.S.- Tajpur (Halai O.P.), District-Samastipur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Ajay Kumar Thakur, Advocate Mr. Nilesh Kumar, Advocate
For the State	:	Mr. Navin Kumar Pandey, APP
For the Informant	:	None

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 02-06-2021 This matter has been taken up today for consideration through video conferencing in view of resurgence of COVID-19 Pandemic.

The learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual Court proceedings from their homes, all with the aid of audio visual technology.

Heard learned counsel for the petitioner and the learned APP for the State. Though Link has also been sent to Mr. Babal Kumar Jha, learned counsel for the informant, but he has not joined the instant proceedings.

The petitioner seeks bail in connection with Tajpur (Halai O.P.) P.S. Case No.455 of 2019 instituted for the offence



punishable under Sections 302, 307, 323, 324, 325, 34, 341, 504, 506 of the Indian Penal Code.

The instant petitioner and his family members are agnates of the informant. The informant was objecting to construction of a house by the accused persons on the land which fell in the share claimed by the informant. The same has led to a clash and the accused persons have assaulted the prosecution party. The specific allegation of assault on Dhrub Prasad Singh has been attributed against the petitioner. He is alleged to have assaulted on his head by an iron rod.

Petitioner's counsel submits that so far as the allegation under Section 302 I.P.C. is concerned, the same would not be attracted against the petitioner as the assault leading to the death of the deceased is attributed to another person, namely, Pankaj Kumar Singh. Petitioner has no criminal antecedents. In fact, he was not even present at the place of the occurrence and was outstation, earning his livelihood at that time. His implication is on extraneous considerations and due to the subsisting land dispute between the parties who are agnates. Petitioner is in custody since 24.09.2020. The injury report shows that the injuries sustained by Dhrub Prasad Singh are caused by hard and sharp weapon and are simple in nature



whereas there is an allegation of assault by iron rod. This variance also casts suspicion on the prosecution story.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, this Court is inclined to allow petitioner's prayer for bail.

Accordingly, let the petitioner, above named, 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 the learned Additional Chief Judicial Magistrate-I, Samastipur, in connection with Tajpur (Halai O.P.) P.S. Case No.455 of 2019, subject to the following conditions:

(i) That one of the bailors of the petitioner will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bonds will be liable to be cancelled.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant



proceedings regarding supply of the requisite court fee etc.
within two weeks from the date he is called upon to do so by
the office.

(Madhuresh Prasad, J)

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