

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21066 of 2021

Arising Out of PS. Case No.-205 Year-2020 Thana- PIPRAHI District- Sheohar

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NEERAJ KUMAR SON OF GIRISH NANDAN KUMAR RESIDENT OF
VILLAGE LALUA MAHUVA, PIPRAHI P.S. SHEOHAR, BIHAR-843334

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ashhar Mustafa, Advocate

For the Opposite Party/s : Dr. Indihar Kumari, A.P.P

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 17-01-2022 Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

The petitioner, who is in custody since 11.12.2020,
seeks regular bail in connection with Piprahi P.S. Case No. 205
of 2020, for the offence punishable under Sections 302, 323,
341, 504 and 506/34 of the Indian Penal Code.

The prosecution case, in brief, is that on 15.09.2020,
while the informant, who is the wife of the victim, was
conducting work relating to bricks and cement, in the meantime,
accused persons named in the F.I.R., including the petitioner,
pushed the husband of informant from chair, who fell down then



all the accused persons started assaulting him with fist and slaps, thereafter, the victim became unconscious and, thereafter, he was, immediately, taken to Sadar Hospital, Seohar, where he was declared brought dead.

Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and he has falsely been implicated in this case. He further submits that, admittedly, there is land dispute between the parties and victim was suffering from heart disease and he died out of natural death, in fact, no such occurrence took place and the present F.I.R. has been lodged after the death of the victim.

Learned A.P.P. for the State has opposed the prayer for bail. She further submits that this is one of the cases in which petitioner while knowingly that the victim was suffering from heart disease has resorted to assault him as a result the victim died on the spot and was declared brought dead by the Doctor, even the Postmortem report confirms the said death due to assault which resulted into heart failure.

Considering the aforementioned facts and circumstances of the case and the fact that there is long standing land dispute, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 1,00,000/- (Rs. One Lakh) with two sureties of the like amount each to the



satisfaction of the learned Judicial Magistrate, 1st Class, Sheohar in connection with Piprahi P.S. Case No. 205 of 2020, subject to the condition that the petitioner will appear before the local Police Station daily at 9.00 A.M. and such report will be transmitted to the Superintendent of Police, Sheohar by the concerned S.H.O of Piprahi P.S, if there is even a single day default, the bail bonds of the petitioner shall be cancelled as well as subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

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