

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34003 of 2021

Arising Out of PS. Case No.-40 Year-2020 Thana- BARIYARPUR District- Munger

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Rajesh Kumar Singh @ Rajesh Kumar, aged about 27 years, male, Son of Shyam Sundar Singh, Resident of Village- Naujira (Raghunathpur), P.S.- Bariyarpur, District- Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar, Adv.

For the Opposite Party/s : Mr. A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

3 18-02-2022 Heard the counsel for the parties.

The petitioner seeks bail in anticipation of his arrest in connection with Bariyarpur P.S. Case No. 40 of 2020, dated 14.05.2020, instituted for the offences under Sections 302 and 34 of the Indian Penal Code.

The accusation in the F.I.R. is that the petitioner and another called the son of the informant who is the deceased and, thereafter, the two other



accused persons specifically named in the F.I.R. twirled his neck, as a result of which he died.

The counsel for the petitioner has drawn the attention of this Court to various paragraphs of the case diary indicating that there was a cricket game in which the petitioner and the deceased had fought amongst themselves. It was not a group fight but an isolated instance of the deceased fighting with the petitioner. Some of the witnesses, viz., young players, who had collected at that place for paying, have stated that when in the physical duel, the deceased fell on the ground, he became unconscious. However, his friends thought that he was only feigning but, later, it was discovered that he had lost his life.

It has been submitted that assuming every statement, accusation and the facts collected during the course of investigation to be true, there, perhaps, could be no intention of inflicting any injury to the deceased, which could have caused his death. It has further been submitted that it was a physical fight



between two young students during the course of playing a game in which accidentally, the deceased died. It does not appear to be a case where a group of students had captured the deceased and had killed him. Nobody had also intervened in the fight thinking that it was a personal dispute between the petitioner and the deceased.

During the course of investigation, no evidence could be collected regarding any motive of the petitioner for harming or killing the deceased.

The petitioner himself is a young student.

Regard being had to the facts afore-stated, the petitioner, in the event of his arrest or surrender before the learned Court below within a period of four weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Addl. Chief Judicial Magistrate, Munger in connection with Bariyarpur P.S. Case No. 40 of 2020, subject to the



conditions laid down under Section 438(2) of the
Cr.P.C.

The application stands allowed.

(Ashutosh Kumar, J)

Praveen-II/-

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