

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62009 of 2021

Arising Out of PS. Case No.-69 Year-2021 Thana- DHURAIYA District- Banka

NEERAJ SINGH @ NEERAJ KUMAR SINGH Son of Ranjeet Singh @
Raja Ranjeet Singh Resident of Village - Sadpur, P.S.- Dhoraiya, District -
Banka.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar Singh

For the Opposite Party/s : Mr.Abhay Kumar

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 03-08-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Dhoraiya P.S. Case No. 69 of 2021 registered for the alleged offences under Sections 302 and 34 of the Indian Penal Code.

As per prosecution case, the informant alleged that her husband was assaulted by the petitioner and other co-accused persons, causing his death.

Learned counsel for the petitioner submits that no occurrence alleged has taken place. From the FIR, it is clear that



the informant has concocted the story about the cause of death of her husband. In the FIR itself, it has been mentioned that husband of the informant fell down from roof and sustained injury and the petitioner and other co-accused persons took him to the hospital where he was declared brought dead. The post-mortem report also shows only head injury which caused the death of the husband of the informant. No injuries have been found which might be caused due to any assault. The story of informant is rather absurd and if the petitioner and other co-accused persons have caused the death of the husband of the informant, they would not have taken him to the hospital. The police after investigation in the case found it true under Section 304/34 of the Indian Penal Code and not under Section 302 of the Indian Penal Code. Charge sheet has been submitted in this case and the petitioner is in custody since 08.06.2021.

Learned APP opposes the prayer for bail of the petitioner submitting that there is allegation of assault against this petitioner and other co-accused persons.

Perused the records.

Having regard to the submission made on behalf of the parties and further considering the statement of the informant in the FIR and also considering the post-mortem report which shows head injury and no other external injury which might have



been caused due to assault and further considering the submission of charge sheet and the period of custody of the petitioner, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka in connection with Dhoraiya P.S. Case No. 69 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

Gautam/-

U		T	
---	--	---	--

