

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59298 of 2022

Arising Out of PS. Case No.-431 Year-2022 Thana- MOTIHARI TOWN District- East
Champaran

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Niranjan Kumar Son of Shiv Shankar Singh @ Shiv Kumar Singh Resident of
mohalla - Miscot Near Gyan Babu Chowk, P.S.- Motihari Town, District -
East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate

For the Opposite Party/s : Mr. Abhay Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 30-11-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period

of four weeks from today.

The petitioner seeks bail in connection with Motihari

Town P.S. Case No. 431 of 2022 registered for the offence under

Sections 341, 324, 302 and 34 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in

custody since 24.06.2022.

The allegation against the petitioner is to commit

murder of the nephew of the informant, aged about 16 years,

alongwith other co-accused persons by stabbing on chest of the

deceased, due to previous enmities.



Learned counsel appearing on behalf of the petitioner submitted that petitioner has been falsely implicated in this case due to previous enmities arises out of local disputes and differences. It is further submitted that the allegation of fatal assault is specifically available against co-accused Sameer, as per face of F.I.R., where the allegation against this petitioner is to be a part of mob only without specifying any physical participation towards occurrence. While concluding the argument, it has been submitted that petitioner is a man of clean antecedent and moreover, investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP duly assisted by learned counsel, Mr. Asif Kalim appearing on behalf of the informant while opposing the prayer of bail submitted that this is a case of collective physical assault.

Considering the facts and circumstances as mentioned above, as allegation of fatal assault is available against co-accused Sameer, not against this petitioner, who appears to be a part of mob only coupled with the fact that charge-sheet has been submitted, where petitioner is a man of clean antecedent, let the petitioner, above named, is directed to be released on bail



in connection with Motihari Town P.S. Case No. 431 of 2022 on
furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with
two sureties of the like amount each to the satisfaction of
learned Chief Judicial Magistrate, East Champaran at
Motihari/concerned court, subject to the conditions as
mentioned under Section 437 (3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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