

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39227 of 2023

Arising Out of PS. Case No.-263 Year-2022 Thana- JANDAHA District- Vaishali

Niraj Kumar @ Niraj Singh Son Of Late Sunil Kumar Singh Resident Of
Village - Soharathi, Ps- Jandaha, Distt- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Sanjeev Kumar Shrivastava
For the Informant	:	Mr.Jai Prakash Verma
		Mr.Naresh Pd.Verma
For the Opposite Party/s :		Mr.Khurshid Anwar

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 06-10-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner seeks bail in connection with Jandaha
P.S. Case No. 263 of 2022, FIR dated 01.09.2022, registered for
the offences punishable under Sections 307, 302, 34 of the
Indian Penal Code and section 27 of the Arms Act.

3. According to prosecution case, co-accused
Deebakar Kumar Singh along with 3-4 others came at the house
of informant and fired upon the informant's father, as a result of
which he died during course of treatment.

4. Learned counsel for the petitioner submits that
petitioner has falsely been implicated in this case. Petitioner is



not named in the FIR. Name of petitioner transpired in this case during course of investigation on the basis of information furnished by the local spy and thereafter, some of the witnesses also named this petitioner. He further submits that informant is not eye-witness of the occurrence and on the basis of information furnished by the family members, the present FIR has been instituted. He further submits that from bare perusal of FIR, it appears that there is no allegation of assault or any overt act has been attributed to this petitioner. Even after four weeks of the alleged occurrence, statement of the wife of deceased was recorded under Section 164 Cr.P.C in which she claimed herself to be the eye-witness of the alleged occurrence and she has clearly stated that co-accused Deebakar Kumar Singh fired upon the head of her husband and co-accused Ajay Kumar Singh @ Kamdev Singh fired upon his chest. In the entire investigation, there is no accusation of assault or any overt act or allegation of firing against this petitioner and the police after investigation submitted chargesheet. Petitioner is in custody since 23.02.2023.

5. Learned counsel for the informant as well as the State on the other hand vehemently oppose the prayer for bail and submit that on the basis of CDR of the mobile phone of petitioner, it is clear that petitioner was in continuous touch with



other co-accused persons. They fairly submit that save and except CDR, there is no material against petitioner. They further submit that bail application of co-accused Deebakar Kumar Singh has been rejected by a coordinate Bench of this court vide order dated 20.06.2023 passed in Cr. Misc. No. 14323 of 2023.

6. Considering the facts and circumstances of the case, 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 Chief Judicial Magistrate, Vaishali at Hajipur in connection with Jandaha P.S. Case No. 263 of 2022, subject to following conditions:-

(i) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the Court below.

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

(iii) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedents, the court below shall take step for cancellation of



bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

vinita/-

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

