

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50337 of 2023

Arising Out of PS. Case No.-160 Year-2020 Thana- SULTANGANJ District- Bhagalpur

NIRAJ KUMAR SINGH @ NIRAJ KUMAR Son of Late Basant Singh
Resident of Village-Kumarpur, P.S.-Sultangunj, Distt-Bhagalpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Swapnil Kumar Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 10-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner seeks bail, who is in custody since 19.05.2023, in connection with Sultanganj P.S. Case No. 160 of 2020, F.I.R. dated 09.08.2020 registered for the offences punishable under Sections 341, 323, 328, 302/34 of the Indian Penal Code but the police after investigation submitted chargesheet against the petitioner under Sections 341, 323, 504, 306, 34 of the Indian Penal Code.

3. As per prosecution case, petitioner and other co-accused persons came to the door of the informant and assaulted his son with lathi and danda. After some time the son of the informant started vomiting and during his treatment he died.

4. Learned counsel for the petitioner submits that



the petitioner has clean antecedent and he has been falsely implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R. and in fact the deceased was habitual drinker and on the alleged date of occurrence he has taken excess liquor and in drunken stage, he abused a number of persons of the society and someone had informed the police and when he came to know about that he had consumed poison and no anti mortem injury was found on the person of the deceased. He further submits that similarly situated co-accused person namely Chandra Shekhar Singh @ Shekhar Singh against whom the similar allegation has been granted bail by a Coordinate Bench of this Court vide order dated 21.12.2022 passed in Cr. Misc. No. 13485 of 2022. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 19.05.2023.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

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/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned



A.C.J.M. 1st, Bhagalpur in connection with Sultanganj P.S. Case No. 160 of 2020, subject to the following conditions :-

(1) 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 cancelled by the Court below.

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

(3) 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)

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