

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57597 of 2024

Arising Out of PS. Case No.-525 Year-2023 Thana- JAMUI District- Jamui

Neeraj Singh @ Neeraj Kumar Singh S/O Ram Balak Singh R/O Village-
Kakan, P.S- Jamui, Dist.- Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ramakant Sharma, Sr. Advocate
	:	Mr. Rakesh Kumar Sharma, Advocate
For the State	:	Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 10-12-2024 Heard Mr. Ramakant Sharma, learned Senior
Counsel for the petitioner and Mr. Jitendra Kumar Singh,
learned APP for the State.

2. The petitioner is in judicial custody in connection
with Jamui P.S. Case No. 525 of 2023 for the offences
punishable under Sections 341, 323, 307, 379, 120-B and 34 of
the Indian Penal Code and later added section 302 of the Indian
Penal Code, lodged on 25.08.2023 by the informant, Sanjay
Singh.

3. As per the prosecution story, the informant alleged
that the accused persons came to his field and his brother was
plucking vegetables, they demanded vegetables. Upon asking
for money, the allegation is that firstly, this petitioner assaulted



by butt of his rifle. As a result, the informant's brother fell down. Whereafter, allegations is that Shailesh Singh gave repeated iron rod blow on his head causing serious injuries, the locals came to their rescue, he was shifted to Sadar Hospital Jamui in serious condition. The house of the petitioner as also the Auto was destroyed by the accused side even after the injured was shifted to the hospital. This led to the F.I.R. As the brother of the informant subsequently succumbed to the injuries, section 302 of the Indian Penal Code was also added.

4. It is the case of the Learned Senior Counsel that there are two part to the said F.I.R. First, the allegation is of assault by this petitioner after which the informant's brother fell down. Thereafter, the allegation is of repeated iron rod blow by Shailesh Singh on the head of the informant's brother which caused serious injury and ultimately proved fatal. So far as the second part of repeated iron rod assault on the head of the informant's brother is concerned, no role has been attributed to him. He is in custody since 03.09.2023, since the Trial is on, he shall be diligently appearing in it. It is his further submission that without accepting the allegation and/or the outcome of the present case, since the allegation is of destroying the house/tempo of the informant side the petitioner on its own



would like to contribute Rs.50,000/- through Demand Draft in favour of the informant issued by the local State Bank of India branch to be submitted before the Trial Court to be handed over to the informant after checking credentials.

5. Learned APP for the State has taken this Court to the case diary to show that it is the petitioner also who assaulted the informant side and the post mortem report supports the assault theory.

6. However, he accepts that the injury mostly is on the head which proved fatal and the opinion also shows that the hemorrhage and shock caused on by the head injuries led to the death of the informant's brother.

7. Having gone through the facts of the case and submissions put forward by the parties and perusal of the post mortem report, it is clear that the informant's brother died due to severe head injuries. The said role is attributed to Shailesh Singh who gave repeated iron rod blow on his head, the petitioner at the first instance is alleged to have assaulted the informant's brother after which he fell down, the main role has been assigned to Shailesh Singh, he is in custody since 03.09.2023 which is more than a year, has undertaken to diligently appearing in trial, in that background, this Court is inclined to



extend him the privilege of bail subject to payment of Rs. 50,000/- as undertaken by the learned counsel for the petitioner to be paid to the informant by Demand Draft of local State Bank of India before the Trial Court to be handed over to the informant after checking credentials.

8. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Jamui in connection with Jamui P.S. Case No. 525 of 2023, subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial Court failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight till the conclusion of the Trial to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences,



failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of bail bonds.

9. Though, the bail has been granted to the petitioner, this Court must observe that despite the occurrence is of (22.08.2023), it is surprising that the main assailant, Shailesh Singh is still on the run despite the fact that the trial has been initiated in the case of Niraj Singh.

10. The Superintendent of Police, Jamui shall submit a report on the aforesaid fact through Mr. Jitendra Kumar Singh learned APP.

11. List this case under the heading ‘To Be Mentioned’ on 24.01.2025 for perusal of the report.

(Rajiv Roy, J)

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