

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6871 of 2025

Arising Out of PS. Case No.-57 Year-2021 Thana- SIGAUDI District- Patna

Billu Chaudhary @ Suraj Kumar Neeraj, S/o Ranjeet Chaudhary, resident of
Village-Jolahachak (Makhdumchak) P.S.- Sigori, Dist.- Patna

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Yogesh Chandra Verma, Senior Advocate
		Mr. Abhinav Kumar, Advocate
For the Opposite Party/s :		Mr. Khurshid Anwar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

5 23-07-2025 Heard learned senior counsel for the petitioner and

learned Additional Public Prosecutor for the State.

2. The accused/petitioner seeks bail in connection
with Sigori P.S. Case No.57 of 2021 registered for the
offences punishable under Sections 341, 323, 324, 307, and
506 read with 34 of the Indian Penal Code.

3. The accused/petitioner is named in the FIR and is
in custody since 14-11-2024.

4. Allegation against the petitioner is to assault on
the neck of informant/injured by using sharp edged 'Hasuli'.

5. It is submitted by Mr. Y.C. Verma, learned senior
counsel appearing for petitioner that as per facial perusal of
FIR itself, it can be gathered safely that the matter was



reported to police on 14.04.2021 itself but, the FIR in issue was lodged on 16.04.2021, making a *prima facie* doubt *qua* occurrence. It is submitted that even if the statement of injured/informant is accepted on its face, this is not a case of Section 307 of the IPC for the simple reason that it is a case of single assault without having intervening circumstances,, which negates 'intention' on its face, which is the prime legal ingredient to attract a case within the ambit of Section 307 of the IPC. It is further submitted that the investigation in this matter is already completed for which, charge-sheet has been submitted and, as such, there is no chance of tampering with the evidence. It is pointed out by Mr. Verma that no purpose of justice shall be served by keeping the petitioner behind the bar in present factual scenario particularly, when charge against petitioner has been already framed by learned trial court. While concluding argument, Mr. Verma submitted that petitioner is a man of clean antecedent and moreover the occurrence appears to be arising out of property dispute. However, he failed to make out any details of property. In support of his submission, learned senior counsel has relied



upon the legal report of Hon'ble Supreme Court as available through **Jage Ram vs. State of Haryana & Ors. [(2015) 11 SCC 366]**.

6. Learned APP while opposing the prayer for grant of bail to the petitioner submitted that the petitioner specifically alleged to assault the informant/injured on his neck by sharp edged "*hasuili*". It is submitted that the assault was on vital part and same was found grievous in nature upon medical examination, which is sufficient to constitute 'intention' to cause death.

7. In view of aforesaid factual submissions and by taking note of fact as admittedly it is case of single assault without having any intervening circumstances, which appears *prima facie* creating a doubt *qua* intention to kill, coupled with the fact that investigation of this case is completed, where petitioner is in custody since 14.11.2024, accordingly, the petitioner, above-named, is directed to be released on bail furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate-1st Class, Danapur in



connection with Sigori P.S. Case No.57 of 2021, subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure (for short 'CrPC')/under Section 480(3) of the Bhartiya Nagrik Suraksha Sanhita (for short 'BNSS') and with further conditions:-

(i) That petitioner shall co-operate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court only on medical ground of the petitioner duly supported by the documents.

(Chandra Shekhar Jha, J.)

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