

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25046 of 2025

Arising Out of PS. Case No.-9 Year-2021 Thana- PATAHI District- East Champaran

Subodh Singh @ Subodh Kumar Singh S/o- Tej Narayan Singh @ Teja Singh,
Resident of Village- Narayanpur (Rangapur) P.O- Narayanpur P.S- Patahi
Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Prince Kumar Mishra, Advocate
For the Informant	:	Mr. Rajiv Kumar, Advocate
For the Opposite Party/s	:	Ms. Anita Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 09-05-2025 Heard Mr. Prince Kumar Mishra, learned counsel for
the petitioner, Mr. Rajiv Kumar, learned counsel for the
Informant and Ms. Anita Kumari, learned APP for the State.

2. Petitioner seeks bail, who is in custody since
08.01.2024, in connection with Sessions Trial No. 475 of 2024
arising out of Patahi P.S. Case No. 09 of 2021, F.I.R. dated
09.01.2021 registered for the offences punishable under
Sections 302/34 of the Indian Penal Code.

3. Allegation against the petitioner is that he along
with other co-accused persons have assaulted the informant's
uncle Krishna Murari Singh with *Dabila* and *spade* and after
sustaining injuries he died on the spot.

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 petitioner is in judicial custody since 08.01.2024 and 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. Although, the alleged incident took place around 7:30 PM in the evening on 08.01.2021 but the present F.I.R. was instituted at 08:10 AM on 09.01.2021. Although the informant has claimed that he is an eye witness of the alleged occurrence but it has come during investigation that the informant and the petitioner were not present at the spot and the informant also did not know about the death of the deceased. On the date of occurrence, co-accused namely Niraj Singh was informed that the deceased was killed. Pursuant to the aforesaid information, co-accused Niraj Singh @ Niraj Kumar being a Generalist has published a newspaper report on the Media and co-accused spoke to informant on his mobile Phone No. 9525972949 at least four times on 7:34 P.M, 7:37 P.M, 7:50 P.M, and 7:59 P.M respectively and the same can be confirmed with CDR and it would be evident from the transcript of the call records between the co-accused Niraj Singh @ Niraj Kumar and the informant. The informant was not aware about death of his uncle, when the



co-accused spoke to him.

5. Learned counsel for the petitioner further submits that the present case was carried out by the Deputy Inspector General of Police, Bettiah and during investigation it has come into light that at the time of occurrence there was darkness at the place of occurrence and it was not possible for the informant to identify the petitioner and others with their weapons. In the review report, the Deputy Inspector General of Police, Bettiah has doubted the claim as eye witness of the informant having seen the occurrence. The accused persons have also obtained information from India Meteorological Department, Positional Astronomy Centre, Government of India, under Right to Information Act that on 08.01.2021 sunset has happened about 05:13 P.M. at the place of occurrence. In the aforesaid background, it is crystal clear that the petitioner has falsely been implicated in the present case due to ulterior motive and petitioner has no concern at all in the present occurrence and the present F.I.R. has been instituted afterthought. He further submits that co-accused person namely Niraj Singh @ Niraj Kumar has been granted bail by this Court vide order dated 27.02.2023 passed in Cr. Misc. No. 52063 of 2022 and the case of the petitioner is of similar footing. He further submits that



the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 08.01.2024.

6. It transpired from the aforesaid that at the time of alleged occurrence, the petitioner was not present at the place of occurrence and co-accused Niraj Kumar @ Niraj Singh got to knowledge about the incident through his neighbour Sunil Kumar and thereafter he spoken to the informant on mobile phone from 7:34 P.M. to 7:59 P.M. on 08.01.2021 itself.

7. Learned counsel for the Informant as well as learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

8. Considering the facts and circumstances of the case and the fact that the petitioner having clean antecedent, the Deputy Inspector General of Police, Bettiah in the review report has doubted the claim as eye witness of the informant as well as CDR report of the informant and co-accused Niraj Singh @ Niraj Kumar and apart from that co-accused Niraj Singh @ Niraj Kumar has been granted bail by this Court as mentioned aforesaid, 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 Additional Sessions Judge-22, East Champaran,



Motihari in connection with Sessions Trial No. 475 of 2024 arising out of Patahi P.S. Case No. 09 of 2021, 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.

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(Rajesh Kumar Verma, J)

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