

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30764 of 2024

Arising Out of PS. Case No.-53 Year-2023 Thana- GALGALIYA District- Kishanganj

Narendra Kumar Singh @ Narendra Singh S/o- Shankar Singh Village-
Lataghcc, P.S. Galgalia, Dist. Kishanganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Ranjan, Advocate

For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

7 31-01-2025 Heard Mr. Sanjeev Ranjan, learned counsel for the

petitioner and Mr. Jitendra Kumar Singh, learned APP for the

State.

2. The petitioner is in custody in connection with
Galgalia P.S. Case No. 53 of 2023 for the offence punishable
under sections 302 and 34 of the Indian Penal Code lodged on
02.11.2023 by the informant, Gautam Singh.

3. As per the prosecution story, the informant alleged
that his brother (deceased) had gone to meet a girl in the village
but later, it was informed that he has been brutally assaulted.
The informant (his brother) rushed to the place and found that
the named accused including this petitioner is assaulting his
brother with *lathi*, *danda*, sickle and iron rod etc. He was rushed
to the Government Hospital but succumbed to the injuries.



Later, the postmortem took place at Siliguri and a day later, the FIR.

4. Learned counsel for the petitioner submits that omnibus allegation is against all, the fact remains that on alarm of a thief has come, the locals assembled and the deceased was assaulted in which he has been named. The further submission is that the petitioner do not have any criminal antecedent.

5. This Court earlier noticed that while the prosecution version is that the deceased had gone to meet the girl, caught and thrashed. The other version is that the story narrated by the petitioner that on the *hulla* of a thief has been caught, the locals thrashed the deceased. In that background, this Court directed the appearance of the Investigating Officer, Rahul Kumar who failed to record the statement of the girl as also directed the Superintendent of Police, Kishanganj to take the statement of the girl and file a counter-affidavit.

6. Now, the counter-affidavit is on record and the Investigating Officer has also appeared. The counter-affidavit incorporates the statement of the girl, according to which, she was with her younger brother at home as all the family members had gone to her would be bridegroom, the day being the Tilak ceremony. She heard some voice, called her uncle and



considering the deceased as a thief, he was caught. Later, came to know that the person is Suttam Singh who died.

7. Having recorded the girl's version, the S.P. has also noted in paragraph 17 that the C.D.R. of the mobile of the girl and the deceased was taken out and it was found that total 2971 calls were made between them, the last by the deceased to the girl on 22.10.2023. Though there was no call on the date of occurrence (01.11.2023).

8. Upon query, the Investigating Officer, Rahul Kumar submits that he had not dealt with such kind of cases and as such, it was a bona fide mistake on his part not to record the statement of the girl and he submits his sincere apology.

9. The Police in the society has a role to play of not only securing the citizen of the society but also to ensure that if an occurrence takes place, to investigate the matter properly and while exonerating the innocent from the ambit, to take all the accused persons to trial. Certainly, the Investigating Officer, Rahul Kumar failed in it. However, since he is young and has assured that henceforth will conduct the assignment given to him, sincerely, without fear and favour to ensure justice to the effected family, the Court has decided to rest the matter.

10. However, the Superintendent of Police,



Kishanganj is duty bound to continue further investigation through the Dy.S.P. whom he has assigned the work and to ensure scientific method to come to the conclusion on whether the boy (deceased) visiting the girl's residence, caught and thrashed or it was a bona fide case of he having been considered as a thief and beaten to death.

11. Taking into account that the petitioner has no criminal antecedent has remained in custody since 09.11.2023 (paragraph-11 of the petition), charge-sheet has been submitted and an undertaking has been given that he shall be diligently appearing in trial, in that background, this Court is inclined to extend him the privilege of bail with conditions.

12. The personal appearance of the Investigating Officer, Rahul Kumar stands dispensed with.

13. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Kishanganj, in connection with Galgalia P.S. Case No. 53 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/her bona fide;



(ii) the petitioner shall appear on each and every date before the Trial Court and 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 for six months 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 his bail bonds.

(Rajiv Roy, J)

Adnan/-

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

