

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78866 of 2024

Arising Out of PS. Case No.-247 Year-2024 Thana- SAHEBGANJ District- Muzaffarpur

Niraj Kumar Son Of Deeplal Rai Resident Of Village-Jagiraha,P.S-Bijdhari,
District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Baidhyanath Thakur, Adv.

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

For the Informant : Mr. Hemant Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 07-02-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State as well as learned counsel for the informant.

02. In the present case, the petitioner seeks bail in connection with Sahebganj P.S. Case No. 247 of 2024, registered on 14.05.2024, for the offences under Sections 302/34 of the Indian Penal Code.

03. As per prosecution case, petitioner and co-accused brought the son of the informant from his house and in the night informed the informant about death of the son of the informant. The informant showed his suspicion that the petitioner and co-accused killed his son.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. The prosecution story is completely false and concocted.



In fact, the son of the informant has been going on a motorcycle and met with an accident and died on the spot. Petitioner was also badly injured in this accident and became unconscious. Father of the petitioner informed the informant explaining the unfortunate accident. Petitioner also received injuries and he was referred to Muzaffarpur from CHC Sahebganj. FIR has been lodged after two days of the occurrence without any explanation. The present case has been lodged as an afterthought and at the instance of ill motivated persons having malafide intention as the petitioner and the deceased were friends and there was no occasion for him to kill the son of the informant. Postmortem report also shows a number of abrasion on the body of the deceased and it is evident that son of the informant died due to injuries but injuries were caused by hard and blunt force. It has also come in investigation of the police that motorcycle on which deceased was riding, dashed with a tree and the motorcycle got badly damaged. Learned counsel reiterates that it is a clear cut case of accident and the petitioner has been falsely implicated. Petitioner is a student and aged about 19 years. Petitioner is in custody since 16.05.2024 and charge-sheet has been submitted. Petitioner is having clean antecedent.



05. Learned APP for the State as well as learned counsel for the informant oppose the submission made on behalf of the petitioner. Learned counsel for the informant submits that the petitioner and other co-accused person killed the son of the informant while giving a shape of accident to the murder. Learned counsel further submits that in CCTV footage, it has come that son of the informant went with the petitioner and co-accused person.

06. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the possibility of son of the informant dying in an accident and post-mortem report showing such possibility and also considering the clean antecedent of the petitioner coupled with period of custody and submission of charge-sheet, the petitioner is directed to be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Muzaffarpur/concerned court, in connection with Sahebganj P.S. Case No. 247 of 2024, subject to the condition laid down under Section 437(3) of the code of Criminal Procedure and other following conditions:

(i) One of the bailors will be a close relative



of the petitioner.

(ii) The petitioner will remain present on each
and every date fixed by the court below.

(iii) In case of absence on three consecutive
dates or in violation of the terms of the bail,
the bail bond of the petitioner will be liable to
be cancelled by the court concerned.

(Arun Kumar Jha, J)

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