

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No 17778 of 2015

Arising Out of PS.Case No. -112 Year- 2014 Thana -GARKHA District- SARAN

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1 Sadhu Rai @ Rajeshwar Rai, son of Paras Rai
2 Dasrath Rai, son of Paras Rai
3 Satendra Rai, son of Rajeshwar Rai @ Sadhu Rai
4 Vijendra Rai, son of Rajeshwar Rai @ Sadhu Rai
5 Kiran Devi, wife of Satendra Rai
6 Kaushlya Devi @ Kaushila Devi, wife of Rajeshwar Rai @ Sadhu Rai
7 Mukesh Rai, son of Lalan Rai
8 Banshi Rai, son of Ramu Rai, residents of Village – Jhakhara, PS –
Amnour, District - Saran

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar

For the Opposite Party/s : Mr. Asha Devi(App)

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CORAM: HON'BLE MR JUSTICE NAVANITI PRASAD SINGH

ORAL ORDER

2 10-06-2015 Petitioners apprehend arrest in relation to Garkha Police Station (PS) Case No 112 of 2014 instituted under Sections 147, 148, 149 and 302 of Indian Penal Code on 12.06.2014 when the victim boy died in course of treatment. He was allegedly injured upon brutal assault by several people on 05.06.2014. He was taken to Garkha Primary Health Centre (PHC) immediately where primary treatment was given and he was forwarded to Patna Medical College and Hospital (PMCH) where, without allegedly regaining consciousness, he died on 12.06.2014.

Learned counsel for the petitioner submits that if the brutal assault had in fact taken place on 05.06.2014, as is now



being alleged, why no first information report (FIR) was registered after his primary treatment at Garkha PHC nor was any FIR registered when the victim boy was brought and admitted in PMCH on 06.06.2014. He further points out that though the allegation is that several persons assaulted the deceased with lathi, butt of pistol on the head breaking his skull, the post mortem does not find any superficial injury there.

Learned counsel for the informant has placed before the Court the OPD slip of PMCH which shows that he was admitted on the basis of injury received as physical assault by lathi and it also notices that primary treatment was done at Garkha PHC but he is unable to explain as to why no FIR was at all registered either at Garkha PS on 05.06.2014 or at PMCH on 06.06.2014 and why no external injuries were found when there was serious injuries in the brain. Learned counsel for the petitioners submits that in fact apparently the victim had sustained injury in some accident and taking advantage of that, after his death, all this has been manipulated.

Be that as it may, in the event of their arrest or surrender within four weeks from today, the petitioners abovenamed shall be released on bail on each of them furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of

the like amount each to the satisfaction of Chief Judicial Magistrate, Saran at Chapra in Garkha PS Case No 112 of 2014 subject to all conditions as laid down in Section 438 (2) of Criminal Procedure Code.

(Navaniti Prasad Singh, J)

M.E.H./-

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