

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26266 of 2015

Arising Out of PS.Case No. -676 Year- 2014 Thana -MUZAFFARPUR TOWN District-
MUZAFFARPUR

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ARUN PASWAN @ ARUN KUMAR PASWAN, son of Late Hari Charan Paswan, resident of Village, P.O. and P.S. Khodawandpur, District- Begusarai, at present posted as Superintendent, Observation Home, Central Jail Campud, Gaya, P.S.- Rampur, District- Gaya.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. R. K. Singh, Adv.

For the Opposite Party/s : Mr. Ashok Kumar(App)

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

4 19-08-2015

Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks anticipatory bail in connection
with Muzaffarpur Town P.S.Case No. 676 of 2014 registered
under sections 323, 324, 325, 326, 302 and 120B of the Indian
Penal Code.

According to the informant, on 18.08.2014 at about
2.00 a.m., he got information from Town Police Station,
Muzaffarpur that his son Rupesh Kumar @ Anupam Kumar has
died. On this information, the informant along with his brother and
other family members reached Shree Krishna Medical College &
Hospital, Muzaffarpur and found several injuries on the body of
the deceased including tear of skin on both hips and injuries on the
back and both arms as well as cut injury on his ear. It has been

further alleged that his son was in Gaya Observation Home, and he had no knowledge as to how his son was transferred to Muzaffarpur Observation Home. The informant has alleged that his son has been killed in criminal conspiracy hatched out by the officials of Gaya Observation Home with Muzaffarpur Observation Home.

It is contended that the petitioner is the Superintendent of Observation Home, Gaya and no case under section 302 of the Indian Penal Code is made out against him. The deceased Rupesh Kumar along with another juvenile in conflict with law, namely, Sonu Ray was transferred from Gaya Observation Home on 08.06.2014 by order of the Principal Member-cum-First Class Judicial Magistrate at Juvenile Justice Board, Gaya on the application made by the Superintendent, Observation Home, Ara dated 06.06.2014. Thereafter, he was lodged in Gaya Observation Home. The deceased after being transferred to Gaya Observation Home continued his mischiefs. The contractors engaged in building work of Gaya Observation Home, namely, Sanjay Yadav filed an application before the Superintendent, Observation Home, Gaya complaining about the physical assault done by the deceased with his staff Mohan Kumar. On receiving the aforesaid complaint the petitioner filed an application before the Principal Member, Juvenile Justice



Board, Gaya for transfer of the deceased to another Central Jail or Remand Home as he was creating lot of problems in running the Observation Home smoothly. Thereafter, on the direction of the Principal Member, Juvenile Justice Board, Gaya, the deceased was transferred to the Muzaffarpur Observation Home vide order dated 09.08.2014. Accordingly, the deceased was shifted to Muzaffarpur Observation Home on 10.08.2014. Information in this regard was also sent to the informant of the case on 12.08.2014. After being shifted to Muzaffarpur Observation Home, some inmates of the Muzaffarpur Observation Home assaulted the son of the informant in the night intervening between 17.08.2014 and 18.08.2014, as a result of which he sustained serious injuries and in course of treatment he died.

It is further contended that a judicial enquiry was also conducted in this regard by the Principal Magistrate, Juvenile Justice Board, Muzaffarpur, who submitted his report dated 15.09.2014 in which it has categorically been held that at the time of entry of Rupesh Kumar in Observation Home, Muzaffarpur his condition was good and no complain was made by him or by the Superintendent regarding his health problem. He has also recorded in the report that on personal examination he was satisfied that the deceased was having no physical injury on his person at the time of his entry in Muzaffarpur Observation Home.

Learned counsel for the State contends that though the son of the informant was shifted to Muzaffarpur Observation Home under the orders of the Principal Magistrate, Juvenile Justice Board, Gaya, the post-mortem report would indicate that the victim had sustained serious injuries on his person. He submits that in course of investigation it has transpired that the victim was mercilessly beaten by the inmates of Muzaffarpur Observation Home and the authorities of the Observation Home failed to take proper care and preventive action in the matter.

Regard being had to the facts and circumstances of the case, in the event of arrest or surrender before the court below within six weeks from today, the petitioner Arun Paswan @ Arun Kumar Paswan is directed to 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 the learned Chief Judicial Magistrate, Muzaffarpur in connection with Muzaffarpur Town P.S. Case No. 676 of 2014, subject to the conditions as laid down under section 438(2) of the Code of Criminal Procedure.

(Ashwani Kumar Singh, J)

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