

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.43829 of 2014

Arising out of P. S. Case No. - 1291 Year - 2013 Thana - BHAGALPUR COMPLAINT CASE
District - BHAGALPUR

1. Janardhan Rai, S/O Late Ram Pravesh Rai, Resident of Village - East
Rauza, P.S. - Chapra Town, Distt. - Saran at Chapra at present address
Janardhan Rai A.S.I. Sultanganj Police Station Distt. - Bhagalpur
.... Petitioner

Versus

1. The State of Bihar
2. Radha Devi, W/o Late Bilash Bind, resident of village – Bind Toli,
Dilgouri, P.S. – Sultanganj, District – Bhagalpur
.... Opposite Party

Appearance :

For the Petitioner :

For the Opposite Party :

CORAM: HONOURABLE MR. JUSTICE GOPAL PRASAD

ORAL ORDER

3 15-04-2015 Heard learned counsel for the petitioner and learned
counsel for the State.

This is a petition for grant of anticipatory bail in a
case under Sections 147, 148, 447, 302 and 120B of the Indian
Penal Code.

Earlier a notice was issued to the opposite party no. 2
and a counter affidavit has been filed annexing the inquiry report
about the death of the deceased Bilas @ Ram Bilas Bind inquired
by the Judicial Magistrate 1st Class, Bhagalpur and it has been
stated that the death of the victim was due to the rupture of spleen
and also was due to pressure caused by hard and blunt object and
the doctor opined that the death was caused due to haemorrhage
and shock due to splenic rupture. It has also come in the inquiry
report that the witness Rakesh Kumar Singh, Assistant

Superintendent of Police, Central Jail, Bhagalpur, has deposed that on 16.06.2013 the accused of Sultanganj P.S. Case No. 99 of 2013 Bilas @ Ram Bilas Bind was brought in the jail at about 6:00 P.M. on 17.06.2013. The prisoner complained about abdominal pain and he also told him that he had been assaulted by the police after his arrest. Thereafter he was treated by the jail doctor at the out door who referred him to J.L.N.M.C.H. after the preliminary examination.

Hence, having regard to the statement of the Assistant Superintendent of Police, Central Jail, Bhagalpur that the deceased disclosed about the assault by the police after his arrest and complaint of abdominal pain and the report of the doctor shows that the death was occurred due to haemorrhage and shock due to splenic rupture, I am not inclined to grant anticipatory bail to the petitioner in connection with Complaint Case No. 1291 of 2013 pending in the Court of learned Chief Judicial Magistrate, Bhagalpur. The prayer of bail is rejected.

(Gopal Prasad, J.)

Kundan/-

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