

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6754 of 2016

Arising Out of PS.Case No. -513 Year- 2009 Thana -EAST CHAMPARAN COMPLAINT District-
EASTCHAMPARAN(MOTIHARI)

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1. Pramod Singh @ Pramod Kr. Singh S/o Late Doman Singh resident of village - Kapasiya, P.S. - Paraiya, District - Gaya.
 2. Sanjay Kumar Prasad S/o Dayanand Prasad resident of village - Tumkadiya, P.S. - Bairiya, District - West Champaran.
 3. Harendra Jha S/o Mahanth Jha resident of village - Harpur, P.S. Majarganj, District - Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Merajul Haque S/o Ramjan Kawadi resident of village - Phulwaria Bengali Tola, P.S. - Dhaka, District - East Champaran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rana Pratap Singh, Sr. Advocate
Mr. Rakesh Kumar

For the Opposite Party/s : Mrs. Renuka Ratnakar(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 15-02-2016 Heard learned counsels for the petitioners and the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Section 302, 330/34 of the Indian Penal Code.

The prosecution case is that complainant's son, Motiur Rahman, his brother, Serajul and one other person, Maroof, were apprehended by Chowkidar and, subsequently, when the complainant, his wife and some villagers went to police station they saw that they were being assaulted by Pankaj Kumar Rawat,



Deputy Superintendent of Police, Sikrahana and Madan Kumar Anand, Deputy Superintendent of Police, Pakridayal. The petitioners were not made accused in the complaint but during enquiry the accusation was levelled against the petitioners also that they also assaulted the victim being the body guards of Dy.S.Ps.

It is submitted by Mr. Rana Pratap Singh, learned Senior counsel for the petitioner, that from perusal of the complaint it appears that though the accusation has also been levelled against the body guards of Deputy Superintendents of Police but the petitioners were neither named in the main complaint petition nor in the formal part they have been made accused nor any specific accusation has been levelled against them but during enquiry under section 202 of the Cr. P.C. the accusation has been levelled against the petitioners that being the body guards of the Deputy Superintendents of Police the petitioners also made assault to the victim. It is further submitted that the Human Rights Commission, Bihar took cognizance of the matter and the case was investigated by Inspector General of Police, Human Rights Commission, who submitted his report ruling out accusation of custodial assault to the victim. During the hearing of the complaint before Bihar Human Rights Commission the complainant was noticed but he

did not support the accusation and considering the report of Human Rights Commission the two co-accused named in the complaint, Pankaj Kumar Rawat and Madan Kumar Anand, Dy. S. Ps. have been granted anticipatory bail by a co-ordinate Bench of this court in Cr. Misc. No. 35097 of 2013.

Considering the fact that petitioners were not named in the compliant, thrust of accusation was against the Deputy Superintendents of the police, who have been granted anticipatory bail by a coordinate bench of this court, and during investigation by the Inspector General of Police, Human Rights Commission the complainant has not supported the accusation against the petitioners, let the above named petitioners be released on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned SDJM, Sikrahana at Motihari in connection with Complaint Case No. 513/ 2009 (Tr. No. 1347/14) subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

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