

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7469 of 2016

Arising Out of PS.Case No. -168 Year- 2015 Thana -MADHUBAN District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. Ramchandra Prasad @ Ramchandra Bhagat
 2. Lal Saheb
 3. Alok Prasad Both sons of Ramchandra Prasad
 4. Krishna Kumar@Akash Kumar Son of Ganesh prasad All Resident of Village-Babukhan, P.s Rajepur, District East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Adv.
For the Opposite Party/s : Mr. Narsing Tanti (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

8 17-08-2016 Perused the supplementary show cause filed on
behalf of S.P., East Champaran, Motihari.

It appears that the case was registered on 12.06.2015 on the fardbeyan of the informant Vinay Kumar recorded on 15.05.2015 at Camp Shanti Navjiwan Hospital Pvt. Ltd., Patna by Surendra Rajak, S.I. of Patrakar Nagar police station. The case diary including the injury report was called for vide order dated 19.02.2016. The office note dated 29.03.2016 reflects that the case diary has been received but without injury report. Thereafter, vide order dated 30.03.2016, the S.P., Motihari, East Champaran was directed to depute some responsible officer to be present before



this Court along with the injury report with explanation as under what circumstances the case diary does not contain the injury report. The show cause filed by the S.P., Motihari, East Champaran reflects that thereafter injury report was procured by the investigating agency on 08.04.2016 which reflects the casual manner in which the investigating agency investigated the case registered under Section 302 of the IPC.

This Court is not satisfied with the supplementary show cause filed by the S.P., Motihari, East Champaran.

Let all these facts be brought to the notice of Zonal I.G. to see the callous manner in which the investigation of serious nature of offences is being conducted.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 147, 149, 341 and 302 of the Indian Penal Code.

The prosecution case is that the informant Vinay Kumar got his fardbeyan recorded on 15.05.2015 at Camp Shanti Navjiwan Hospital Pvt. Ltd., wherein it is alleged that on 09.05.2015 at 9.30 PM the son of the informant came to attain the marriage ceremony of the daughter of one Baijnath Bhagat with the son of petitioner no.1, Meghan Prasad in the meantime, some altercation took place between the members of bride side and the



villagers with regard to performing dance. Next morning when the bridegroom side were returning then they were being see off by Awadhesh Kumar, Ramjee Prasad, Binay Kumar, Lal Babu Prasad and few other persons but near the Tikam Chowk the bridegroom side who were on the truck pulled down the son of the informant Awadhesh Kumar and one Ramjee Prasad on the truck and made assault to Awadhesh Kumar and Ramjee Prasad thereafter they threw Ramjee Prasad from the truck in injured condition and subsequently after brutally assaulting Awadhesh Kumar they also threw Awadhesh Kumar in unconscious condition on the road when Awadhesh Kumar was brought to the PMCH for treatment and from there to Camp Shanti Navjiwan Hospital Pvt. Ltd., Patna where he died on 14.03.2015. The informant came to know about the detail of the occurrence through Ramjee Prasad who conveyed the names of nine accused persons including the petitioners.

It is submitted by the learned counsel for the petitioners that the petitioners have been roped in the present case since they happens to be the father, brother and other relatives of bridegroom and their names were known to the bridal side. Admittedly, the informant is not the eye-witness to the occurrence. Ramjee Prasad received superficial injury which suggests that he was not being assaulted in a manner in which it is alleged in the FIR. A

statement has been made in para 3 of the petition that the petitioners have no criminal antecedent. It is further submitted that for the occurrence of 10.05.2015, the fardbeyan was recorded on 15.05.2015 after the death of the victim Awadhesh Kumar which came to be registered as a police case on 12.06.2015. The investigation has still not concluded.

It is submitted by the learned counsel for the informant that though the informant has retracted from his initial version but the mother of the victim has filed a protest petition.

Learned counsel for the State, after going through the case dairy, submits that Ramjee Prasad and other witnesses have suggested the name of the petitioners who made assault to the victim but has not controverted this fact that accusation of making assault is omnibus and general against several accused persons including the petitioners.

Considering the delayed nature of accusation and the investigation being pending, let the above named petitioners be released on anticipatory bail till conclusion of investigation, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned SDJM, Motihari, East

Champan in connection with Madhuban P.S. Case No. 168 of
2015, subject to the conditions as laid down under Section 438(2)
Cr.P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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