

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50500 of 2015

Arising Out of PS.Case No. -284 Year- 2010 Thana -ARA NAWADA District- BHOJPUR

Vijay Kumar Singh, Son of Late Ram Naresh Singh, Resident of village -
Aami, Police Station - Dighwara, District - Chhapra

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner/s : Mr. Kanhiya Prasad Sinha, Sr. Advocate
Mr. Rakesh Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Gulnar Begum (App)

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

4 29-01-2016 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

The petitioner is apprehending his arrest in connection
with Ara Nawada P.S.Case No. 284 of 2010 registered for the
offences punishable under Section 302/ 34 of the Indian Penal
Code.

Learned Senior Counsel appearing on behalf of the
petitioner submits that the petitioner has been roped into the
present case after a lapse of five years from the date of occurrence.
It is submitted that the present case has been registered on
07.07.2010 under Section 364 of the Indian Penal Code. It is
further submitted that one Golu Kumar had disappeared and
subsequently, the deceased in the present case was taken into



custody having been handed over by the grandmother of the said Golu Kumar. It appears that while the deceased Deepak Kumar was in custody, he was taken ill and rushed to the Ara Sadar Hospital in a gasping condition where after treatment, he was declared dead. Learned counsel for the petitioner submits that the inquest report was prepared by the IO and testified by a Magistrate and the post-mortem was also conducted by a team of Doctors. The inquest report and the post-mortem conducted on the deceased has been placed before the Court. It is submitted that five years after the lapse of occurrence i.e. in 2015, on the basis of some suspicion created on the statement of the two attesting witnesses to the inquest report, the petitioner has now been subjected to the present prosecution on account of which he is apprehending his arrest. It appears that in the post-mortem report, the team of Doctors after due examination have found that there was no ante-mortem injury on the person of the deceased. It further appears from the post-mortem report that the deceased died on account of Cardio respiratory system failure and not on account of any external injuries. Viscera was also sent for examination and in the said examination, a report has been kept in the present case which finds place in para-97 of the case diary that there was no element of poisoning present in the sample sent for examination.



Learned counsel appearing on behalf of the State submits that a suspicion was created on account of the statement of the two attesting witnesses and the inquest as well as post-mortem report has stated that there was no sign of any injury on the body when it was handed over. Accordingly, the petitioner who was posted as Officer-in-charge of Ara Nawada P.S. has been taken into net on the basis of suspicion and it is alleged that treating to having a hand in the occurrence and alleging that some motivated reports have been submitted by him.

Considering the entire facts and circumstances of the case and that the petitioner's name has come only on the basis of suspicion expressed by a few witnesses and that there is no cogent material in the case diary so as to implicate the petitioner, let the petitioner, in the event of his arrest / surrender within a period of four weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the each amount to the satisfaction of the learned Chief Judicial Magistrate, Bhojpur in connection with Ara, Nawada P.S. Case No. 284 of 2010, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Anjana Mishra, J)

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