

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41378 of 2016

Arising Out of PS.Case No. -361 Year- 2016 Thana -MANER District- PATNA

=====

Vinay Kumar Singh @ Vinay Kumar @ Vinay Kumar Sinha, Son of Sri
Deo Charan Singh, Resident of Mohalla- Sekhpura, Bagicha, P.O.-B. V.
College, P.S.-Shastri Nagar District-Patna

.... Petitioner

Versus

1. The State of Bihar
2. Laxman Kumar Son of Late Raghunandan Sharma @ Late Yamuna
Takur Resident of Village and P.O.-Baluan, P.S.-Maner, District-Patna

.... Opposite Parties

=====

Appearance :

For the Petitioner : Mr. Bindhya Kesri Kumar, Sr. Advocate.
Mr. Satya Prakash, Advocate.
For the Opposite Party : Mr. Ashok Kumar, APP.

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 02-12-2016 Heard both sides.

The petitioner apprehends his arrest in Maner P.S. Case
No. 361 of 2016 registered for the offences punishable under
Sections 302 and 34 of the Indian Penal Code.

Laxman Kumar, the informant alleged that his son
Ashish Raj was studying in class-1 in Vidya Niketan School. On
12.08.2016, his son had gone to school but he did not return and
after closure of the school the class teacher of class-1, Principal,
the driver of the vehicle and 4-5 other teachers brought his son in
unconscious condition. The petitioner and teachers did not give
any satisfactory reply about the condition of his son. His son got



consciousness for a while and he disclosed that the class teacher assaulted him with tiffin box and consequently his head collided against the wall and he again slumped into unconsciousness and during course of treatment his son died.

Shri Bindhya Keshri Kumar, learned senior counsel for the petitioner submits that on perusal of the FIR, it would appear that the informant made allegation of negligence against the petitioner. The petitioner is director of the school and according to the statement made by the deceased the class teacher of class-1 assaulted him with tiffin box and the head of the boy collided against the wall and that is why he got injuries. The petitioner did not assault the boy. The petitioner brought the boy to his house and he was not knowing about the occurrence. It is further submitted that there is no material in the entire case diary and the informant also made statement on hearsay.

Learned APP could not be able to show any material against the petitioner.

It appears that the petitioner is the director of the school and the deceased who was studying in class-1 was assaulted by his class teacher with tiffin box on his head and consequently the head of the boy collided against the wall causing injury in his head and the boy died during course of treatment.



Considering the facts aforesaid, the petitioner above named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the 1st Class Judicial Magistrate, Danapur in Maner P.S. Case No. 361 of 2016, Subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J.)

KKSINHA/-

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

