

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53635 of 2015

Arising Out of PS.Case No. -31 Year- 2007 Thana -AMARPUR District- BANKA

=====

1. Ranjeet @ Brahamjeet Kumar @ Brahmjeet Singh, S/O Ganesh Mandal @ Singh, Resident of Village- Nandlal Patti, Police station -Amarpur ,District Banka.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee--Advocate

For the Opposite Party/s : Mr. Suresh Pd. Singh (A.P.P.)

=====

CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

04 30-01-2016

Heard learned counsel for the petitioner as well as learned Additional Public Prosecutor.

Gone through the case diary.

It is apparent from perusal of the case diary that the police officials have misdirected themselves from conducting the impartial investigation in accordance with law. Apart from other infirmities persisting on the case diary, it is apparent from the allegation that victim, Ranju Kumari was forcibly taken away by the accused, Ranjeet @ Brahamjeet Kumar @ Brahmjeet Singh (petitioner) along with Kailash Prasad Singh on the pretext of firearm to the house of Kailash Prasad Singh where Ranjeet had committed rape. It is evident from the case diary that after concluding investigation, Vibhishan Singh was exonerated while



charge sheet was submitted against Kailash Prasad Singh, who was under custody, retaining the investigation against petitioner, Ranjeet @ Brahamjeet Kumar @ Brahmjeet Singh, as Paragraph-128 of the case diary. Subsequently thereof, from supplementary case diary, it is evident that an application was filed by the petitioner before the D.I.G., Eastern Zone, Bhagalpur and the same was forwarded to the Superintendent of Police and from there, it has come up to Deputy Superintendent of Police and his report has been incorporated under Para-5 of the supplementary case diary. It is also evident from Para-8 of the supplementary case diary that subsequent supervision note of the Superintendent of Police has been received by the I.O. whereupon instant case has been shown to be false and final report has been submitted. Basically, the aforesaid event suggests how the work of a police officer during course of investigation is being done or managed. As the petitioner happens to be under custody that is indicative of the fact that the learned lower Court did not accept the conclusion arrived at by the Investigating Officer followed with submission of final form. In the aforesaid background, the matter in hand is to be seen as per the allegation in consonance with the materials available in the case diary. There happens to be specific disclosure in the complaint petition that on 05.01.2007, the complainant had



gone to police station where police had taken her signature and kept it. The case diary does not reveal whether any sort of investigation was conducted on that very score. Furthermore, it is also evident from the complaint petition that on 04.01.2007, Sarpanch was informed and from Para-36 of the case diary, it is evident that I.O. had examined the Sarpanch and from his statement, it is evident that such kind of allegation was there whereupon she had directed the informant to approach the Court. Virtually, the informant is only witness to occurrence. However, corroboration is there at the end of her parents.

It has been submitted on behalf of petitioner that there is long delay in making the complaint. It has also been submitted that police during course of investigation did not opt to examine the victim under Section 164 Cr.P.C. It has also been submitted that during medical examination, it has been traced out that victim was habituated to sexual intercourse. It has also been submitted that police had concluded the investigation by recording the case to be false. It has also been submitted that informant's family has got criminal background, which was resisted by petitioner and others on account thereof, this case has been lodged. So, submitted that petitioner be enlarged on bail.

On the other hand, learned Additional Public

Prosecutor opposed the prayer.

Considering the totality of the event, I do not see it a fit case for grant of bail. Accordingly, prayer of petitioner for bail is rejected.

(Aditya Kumar Trivedi, J)

Vikash/-

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