

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43465 of 2016

Arising Out of PS.Case No. -62 Year- 2016 Thana -BANMANKHI District- PURNIA

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Prakash Kumar Dungdung @ Pratap Kumar Dungdung, son of Nicholas Dungdung, Father in Charge, Bimal Hridaya Awashiya Vidhayalaya, Mohalla- Bishanpur Dutt, P.S.- Banmankhi, District- Purna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Radha Mohan Singh, Advocate.

For the Opposite Party/s : Mr. Akshay Lal Pandit, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

- 4 18-01-2017 Heard learned counsel for the petitioner and the State.
- The petitioner seeks anticipatory bail in a case instituted for the offence under Section 304 of the Indian Penal Code.
- It is alleged in the written report that ten years old son of the informant was a student of residential Christian School and was studying in KG-1. The informant after meeting his son on 8.5.2016 in the afternoon returned back to his house. He got information on the next day at 6:30 a.m. by the In-charge Warden of the School that his son died. The informant arrived in the school and enquired about the matter from the petitioner who scolded him and told that the informant himself had taken his son to the market and had given him some food on account of which



he felt pain in his abdomen and died. When the informant inspected the bed and food provided to the children of the school, he found one open packet of poison kept lying near the kitchen. He alleged that after looking the condition of the premises, he suspected that his child might have died of administering poison or somebody else has poisoned him. The son of the informant died due to carelessness of the School management.

The case diary has been received. The informant in paragraphs 17 and witnesses in paragraphs-18 and 19 have supported the case. The statement of one of teacher of the School as mentioned in paragraph-7 of the case diary shows that son of the informant was not found during morning prayer of the School. The warden Prakash Kumar Dungdung went in the hostel at 6:15 a.m. after prayer and found Prince Kumar in state of unconsciousness and, thereafter, he was taken to the Health Centre situated in the school campus by the said Warden from where he was referred to Sadar Hospital Banmankhi where doctor has declared him dead. One of the Nurse of the School and other witnesses have stated in paragraphs 8, 51, 52 and 53, that the boy was taken by Warden of the School Prakash Kumar Dungdung in Sub Divisional Hospital, Banmankhi where he declared him dead. In the postmortem examination as mentioned in paragraph-35 of



the case diary, the doctor has stated that the cause of death could not be found and viscera have been preserved.

The F.S.L. report has been received wherein the Analyst has found Thimet in the contents of plastic jar. The police after investigation, submitted charge sheet against the petitioner under Section 304A of the Indian Penal Code. In this manner, from the written report as well as the statement of the witnesses in the case diary including the staff of the school as mentioned in paragraphs-7, 8, 51, 52 and 53, it appears that none has informed the parents of the boy in the night although, in the written report itself, it is mentioned that the School is a residential school and all of them have stated that the boy did not appear on the next morning. Then they found the boy in Hostel lying unconscious and, thereafter, he was taken to Health Centre in the School from where he was referred to Sub Divisional Hospital, Banmankhi, where he was declared dead. It is further alleged that the said boy was ten years old and when his father enquired about the matter from the petitioner, he scolded him and levelled allegation against him of giving something to eat which caused the death whereas it has come in the evidence that an open packet of poison was found in the school campus near the kitchen.

Considering the aforesaid facts and circumstances of



the case, this Court does not find it a fit case to grant anticipatory bail to the petitioner.

The prayer for anticipatory bail of the petitioner is accordingly rejected.

However, the petitioner is directed to surrender before the court below and pray for regular bail.

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(Sanjay Priya, J)

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