

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.20302 of 2017**

Arising Out of PS.Case No. -104 Year- 2016 Thana -BANGAON District- SAHARSA

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Umesh Prasad, s/o Late Pulkit Sah, resident of village- Narhi, P.S.- Andhra  
Math, District- Madhubani.

.... .... Petitioner

Versus

The State of Bihar

.... .... Opposite Party

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**Appearance :**

For the Petitioner/s : Mr. Ajay Kumar Thakur, Adv.

Mr. Anirudh Kumar Sinha

For the Opposite Party : Mr. Brajendra Nath Pandey, APP

For the Informant : Mr. Brajesh Kumar, Adv.

Mr. Dinkar Kumar, Adv.

Mr. Ajit Kumar, Adv.

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**CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY**  
**ORAL ORDER**

4      21-08-2017                      Heard learned counsel for the petitioner, learned  
counsel for the State and learned counsel for the informant.

2.                      In this case, the petitioner is seeking Anticipatory  
bail in connection with Bangaon P.S. Case No.104 of 2016,  
registered for the offences punishable under Sections 147, 148,  
149, 323, 341, 342, 385, 427, 504, 506, 302 and 120B of the  
Indian Penal Code and under Section 27 of the Arms Act.

3.                      A written F.I.R. was lodged by one Mukesh Poddar  
on 10.12.2016, making an allegation that on 4.12.2016 at about



6:00 pm. in the evening Umesh Prasad Gupta @ Lotawala, Surendra Kumar Chandan @ Pintu Gupta, Birendra Chandan @ Raja, Kumar Gaurav @ Hareram, Nagpal, Santosh Gupta and Rajiv Gupta @ Malik along with 10 unknown persons have conspired with Umesh Prasad, Officer In-charge. Under that conspiracy, they came to the house of the informant and started hurling abuses, they broke the glass of the windows and demanded Rs.2 lakh from the informant. In the meantime, the Police personnel came and made out a false case, picked up the father of the informant and taken to the house of Surendra Kumar Chandan @ Pintu and all the persons have brutally assaulted the father of the informant and thereafter taken to the Police Station, on that account, the father of the informant died on 09.12.2015. It has been alleged that dispute arose with respect to the land and before this incident one incident had also taken place on the same day i.e. on 4.12.2016, there also a case has been lodged against the victim and his family members.

4. Learned counsel for the petitioner submits that it is not a case where the victim has died in the Police Station, rather the victim was produced before the Magistrate and he was



remanded back in the jail custody and there he died after 4 to 5 days. Further, the victim had not made any complaint before the Magistrate nor the Magistrate called any report from any agency about the internal injury or external injury caused to the victim.

5. Learned counsel for the petitioner further submits that the post mortem was conducted in presence of the Magistrate and no injury was found in the post mortem.

6. Upon perusal of the case diary, it appears that the investigation has been done in a very perfunctory manner.

7. Learned counsel for the informant has produced the order dated 5.12.2016, from where it appears that the victim had made complain to the Magistrate about assault and the Magistrate also passed the order. This Court criticizes the manner in which the investigation has been done and feels that the Investigating Officer has not done his duty at all when a serious allegation has been made against the fellow police Officer.

8. In such view of the matter, this Court is not inclined



to grant bail to the petitioner. Accordingly, the prayer for bail is rejected.

9. Let this order be communicated to the Director General of Police, Bihar, Patna and the Senior Superintendent of Police, Saharsa as also to the Presiding Officer to see that there should be proper investigation in the present case as the whole investigation has been done in a perfunctory manner. Let there be fresh investigation by the Officer not below the rank of D.S.P. so that the real picture be brought.

**(Shivaji Pandey, J)**

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