

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21444 of 2017

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

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1. Umesh Prasad Gupta @ Lota Bala Son of late Asharfi Prasad Gupta
2. Surendra Kumar Chandan @ Pintu Son of Ramesh Prasad Gupta
3. Birendra Chandan @ Birendra Kumar Chandan @ Raja Son of Ramesh Prasad Gupta
4. Kumar Gaurav @ Hareram Son of Umesh Prasad Gupta
5. Santosh Gupta Son of Bhola Gupta
6. Rajeev Gupta @ Rajeev Kumar Gupta @ Malik Son of Satya Narayan Gupta All 1 to 6 are Resident of Village- Bariyahi, Bazar, P.S. Bangaon, District Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anirudh Kumar Sinha

For the Opposite Party/s : Mr. Sri Anil Kumar

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL ORDER

2 01-07-2017 Heard the Counsel for the petitioners, the informant and the APP for the State.

Petitioners are facing accusations punishable under sections 302, 120B and other allied sections of the Indian Penal Code vide Bangaon P.S. Case No. 104 of 2016.

The father, brother, brother-in-law of informant were lifted by the accused persons and thereafter severely assaulted. They were taken to the police lock up and subsequently consigned to jail custody where the father of the informant died.

Counsel for the petitioners submits that the post-mortem report does not state about the external injury sustained by the



deceased. It was co-accused Umesh Prasad who was then functioning as Officer-in-charge of the police station who was instrumental in locking up the deceased and thereafter consigning him to the jail custody where he died. Both parties are on inimical terms. There have been cases against each of them.

Learned counsel for the informant and the State opposed the prayer and submits that under a pre-planned manner, the father of the informant was lifted, assaulted and then sent to jail custody where he died. The F.I.R. specifically alleges assault at the hands of the petitioners to the victim (deceased) and two other persons who were lifted from the house.

Considering the nature of the allegations and other materials reflected from the record, this Court is not inclined to grant the application. Prayer is, accordingly, rejected.

Petitioner shall surrender and pray for bail which shall be considered on its own merit in accordance with law without being prejudiced by the present order.

(Kishore Kumar Mandal, J)

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