

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Appeal (SJ) No.1349 of 2018**

Arising Out of PS.Case No. -29 Year- 2016 Thana -PAHARKATTA District- KISANGANJ

- =====
1. Taffhimur Rahman @ Toseemur Rahman, S/o Late Abdul Rashid, R/o Vill. & P.O.- Mandho, P.S.- Kochadhaman, District- Kishanganj.
  2. Mohtashim Raza @ Mahtakim Raja S/o Abdus Shahid, R/o Vill.- Mansoor, P.O.- Alta, P.S.- Kochadhaman, District- Kishanganj.

.... .... Appellant/s

Versus

1. The State of Bihar

.... .... Respondent/s

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**Appearance :**

For the Appellant/s : Mr. Rajnish Kumar Choubey, Advocate

For the Respondent/s : Mrs. Usha Kumari No.I, SPP

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**CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR**

**ORAL JUDGMENT**

**Date: 05-07-2018**

Heard learned counsel for the parties.

This is an appeal under Section 14(A)(2) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 against the refusal of prayer for anticipatory bail vide order dated 12.01.2017 passed by the learned Special Judge, Kishanganj, in connection with Paharkatta Police Station Case No.29 of 2016, registered under Sections 302/201/34 of the Indian Penal Code and Section 3(2)(V)(A) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Minor son of the informant was studying in Class-V in International School and was residing thereat as hosteller. The



appellants are Principal and Director of the School. Allegation is that without information to the informant his child was taken for excursion. The son of the informant got missing and subsequently his dead body was recovered.

Even if argument of the learned counsel for the appellants is accepted that this is not a case of murder, it cannot be disputed that it is a case of gross negligence of the appellants in taking care of the children residing in the school properly which resulted in death. Hence, in my view, this is not a fit case for anticipatory bail.

Accordingly, this appeal against the order of dismissal of prayer for anticipatory bail, is dismissed as devoid of any merit. However, in the event of surrender of the appellants, their prayer for regular bail shall be considered without being prejudiced by the order of this Court.

**(Birendra Kumar, J)**

Mkr./-

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