

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34440 of 2019

Arising Out of PS. Case No.-91 Year-2019 Thana- DUMRA District- Sitamarhi

CHANDRA BHUSHAN SINGH @ CHANDRA BHUSHAN KUMAR
SINGH Son of Vijay Kumar Singh Resident of Village - Basudeopur Chandel,
P.S.- Mahnar, District- Vaishali

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 35525 of 2019

Arising Out of PS. Case No.-91 Year-2019 Thana- DUMRA District- Sitamarhi

RAVI RAJ Son of Late Deenanath Baitha Resident of Village - Gas Lal
Chowk, Purani Gudari, Ward No. 6, P.S.- Betia (Town), Distt - West
Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 36418 of 2019

Arising Out of PS. Case No.-91 Year-2019 Thana- DUMRA District- Sitamarhi

SONI KUMARI Wife of Ashok Rai @ Ashok Kumar Resident of Village-
Laxmi Chak MIT, P.S.- Brahmpura, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 39528 of 2019

Arising Out of PS. Case No.-91 Year-2019 Thana- DUMRA District- Sitamarhi

1. MUNNA KUMAR Son of Sri Ashok Thakur Resident of Village/ Mohalla-
Saidpur, Police Station- Khijarsarai, District- Gaya, Presently Posted as
Constable at Sitamarhi, Technical Cell, S.P. office/ residential office,
Sitamarhi.
2. Pankaj Kumar Son of Late Mishri Prasad Singh Resident of Mohalla- Kurji
More, Police Station- Digha, District- Patna, Presently Posted as Constable
at Sitamarhi, Technical Cell, S.P. Office/ residential office, Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar



... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 34440 of 2019)

For the Petitioner/s : Mr.Manoj Kumar

For the Opposite Party/s : Mr.Shailendra Kumar Singh

(In CRIMINAL MISCELLANEOUS No. 35525 of 2019)

For the Petitioner/s : Mr.Ajit Kumar

For the Opposite Party/s : Mr.Navin Kumar Pandey

(In CRIMINAL MISCELLANEOUS No. 36418 of 2019)

For the Petitioner/s : Mr.Vipin Kumar

For the Opposite Party/s : Mr.Sanjay Kumar Singh

(In CRIMINAL MISCELLANEOUS No. 39528 of 2019)

For the Petitioner/s : Mr.Vipin Kumar Singh

For the Opposite Party/s : Mr.Ganesh Prasad Singh

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
CAV ORDER

4 06-08-2019 Since the aforesaid four cases relate to same P.S.

case number they have been taken up together for disposal.

Petitioners seek bail in anticipation of their arrest
in connection with Dumra P.S. Case No. 91 of 2019
registered for the offence punishable under Sections 302/34
of the Indian Penal Code.

Prosecution case relates to death of two persons in
the police custody. An FIR has been lodged by Manwar Ali,
father of one of the deceased Gufran Alam, stating that in
the dead of night of 6.3.2019 at 12.30 A.M. police
personnel, including police personnel of Chakia Police
Station came to his house, got his son Gufran Alam woke
up and taken him for interrogation. Later on he came to



know that one Md. Taslim (deceased) was also lifted by the police for interrogation, when he came to inquire about the same at Chakia Police Station, he was informed that Dumra Police has taken them for interrogation along with the Officer-in-Charge of Dumra Police Station and other police personnel. It is also his case that in the evening at 4 P.M. he reached along with other persons at Dumra Police Station but could not know about them. Ultimately they came to know that both were killed by the police and their dead bodies were lying in Sitamarhi hospital. It is also stated that police officials brutally assaulted his son and other person Md. Taslim and killed them.

During investigation it transpired that petitioner Chandra Bhushan Singh @ Chandra Bhushan Kumar Singh in Cr.Misc.No. 34440 of 2019 was the Officer-in-Charge of Dumra Police Station at the relevant time and he came to the houses of two deceased along with other police personnels, lifted them and later killed them. The statement of one Chaukidar Md. Raju in paragraph-20 of the case diary disclosed that while he was sleeping in the Police Station two persons were kept in the adjacent room and



Quick Response Team (in short 'QRT') came there and started interrogation from them and he heard the sound of cry as they were assaulted. Later on he came to know that they fell sick and died. It further appears from paragraph-29 of the case diary that son of the informant was lifted from the house, whereas another person was apprehended from Madarsa and QRT has taken them for interrogation. Statement of one Chaukidar has been recorded in paragraph-41 of the case diary and his statement also disclosed that four Quick Response Team personnel were assaulting both the deceased persons. Paragraph-71 of the case diary disclosed the names of police personnel of technical cell of Sitamarhi, who have assaulted the deceased and they disclosed the name of Ravi Raj, petitioner in Cr.Misc.No. 35525 of 2019, Munna Kumar and Pankaj Kumar, petitioners in Cr.Misc.No. 39528 of 2019 as well as one Amit Kumar. It further appears that viscera, clothes of the deceased persons and other materials were also sent to FSL for examination.

Learned counsel for the petitioners in all the cases submit that there is nothing against them in the case diary to



show that they have assaulted the deceased persons or participated in the occurrence and they have falsely been implicated in this case. Further submission is that post mortem report disclosed only bruise and abrasion were found on the deceased persons and cause of death could not be ascertained. Further submission is that petitioners are Government servants and are ready to abide by any condition that may be imposed on them. Apart from above, submission of learned counsel for petitioner Soni Kumari is that she was not even a member of raiding party, who raided the house of the deceased persons nor she was in the team who interrogated the deceased persons but since she is a police personnel posted at Dumra police station she has been made accused in this case.

On the other hand, learned APP has opposed the prayer for anticipatory bail on the ground that statement of the witnesses in paragraphs 20, 29, 41 and 71 of the case diary disclosed that deceased persons were lifted from their house in the dead of night by the petitioners and brought to Dumra Police Station. Furthermore, there was absolutely nothing available on the record to show that they were



arrested on the basis of any warrant issued against them or the police team carried any search warrant. It has further been submitted that post mortem report also shows that deceased persons sustained injuries of hard and blunt substance, no doubt cause of death could not be ascertained. Further submission of learned APP is that the statement of the informant and other witnesses of the village of the deceased persons in paragraphs 121 and 122 of the case diary, i.e., father and wife of deceased Gufran Alam disclosed that there were several injuries on the dead bodies. Further learned counsel for the State has submitted that the case diary clearly disclosed that proclamation has already been issued and affixed at the houses of petitioners under Section 82 of Cr.P.C. and they are absconding. Hence the petitioners are not entitled to anticipatory bail.

Having heard both sides and considering the above facts and circumstances and also considering the fact that it relates to custodial death of deceased persons in police custody, who were arrested without following the guidelines laid down by Hon'ble Apex Court in the case of **D.K. Basu vs. State of West Bengal : (1997) 1 SCC 416.**



Considering the same, I am not inclined to grant the privilege of anticipatory bail to the petitioners, as such, their prayer for anticipatory bail is rejected. However, so far petitioner Soni Kumari is concerned, she being lady, once surrender in the court below and pray for regular bail, same shall be considered on its own merit and, if possible, to be disposed of on the same day.

With the above observation, all four applications are dismissed.

(Vinod Kumar Sinha, J)

spal/-

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

