

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73666 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. 78803 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), District - West
Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 73666 of 2019)

For the Petitioner/s	:	Mr. P.K. Shahi, Sr. Advocate Mr. Vikas Kumar, Advocate Mr. Niranjana Parihar, Advocate
For the Informant	:	Mr. Gunjan Singh, Advocate Mr. Deepak Kumar Singh, Advocate Mr. Ashhar Mustafa, Advocate Mr. Abu Nasar, Advocate Mr. Falakyar Askari, Advocate Mr. Talib Mustafa, Advocate
For the Opposite Party/s	:	Mr. Jharkhandi Upadhyay, A.P.P.

(In CRIMINAL MISCELLANEOUS No. 78803 of 2019)

For the Petitioner/s	:	Mr. P.K. Shahi, Sr. Advocate Mr. Vikas Kumar, Advocate
For the Informant	:	Mr. Gunjan Singh, Advocate Mr. Deepak Kumar Singh, Advocate Mr. Ashhar Mustafa, Advocate Mr. Abu Nasar, Advocate Mr. Falakyar Askari, Advocate Mr. Talib Mustafa, Advocate
For the Opposite Party/s	:	Mr. Jharkhandi Upadhyay, A.P.P.

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

13 23-09-2020 These matters have been taken up through virtual
Court proceeding.



Heard learned counsel for the petitioners and learned counsel for the informant along with learned APP for the State.

Petitioners seek bail in a case registered for the offences punishable under Sections 302/34 of the Indian Penal Code.

Petitioner Chandra Bhushan Singh @ Chandra Bhushan Kumar Singh, who was Sub-Inspector of Police of Dumra Police Station recorded his self statement on 06.03.2019 at Sadar Hospital, Sitamarhi stating therein that during investigation of Runnisaipur P.S. Case No. 68 of 2019, he had gone to raid and arrest the accused person of the case along with a Special Team known as Quick Response Team (in short “QRT”) and arrested two persons Gufran and Md. Tasalim Alam. Both were brought to the police station. They were questioned by the members of the Technical Cell and QRT and in that course both became ill. They were taken to the hospital where they died. On the very next day, the present FIR was lodged by father of one of the deceased alleging therein that this was a case of custodial murder.

The postmortem report revealed that death was caused by committing assault against both the persons who died. The case diary reveals that the *Chaukidars*, who were at the police



station, stated that both the deceased were taken to a lonely room by petitioner Chandra Bhushan Singh and the members of the QRT who had gone to arrest them and they were bitterly assaulted thereat. Cry of the victim was heard by the *Chaukidars* and subsequent death was caused.

Considering the nature of allegation and available material on the record, I am not inclined to enlarge the petitioner Chandra Bhushan Singh @ Chandra Bhushan Kumar Singh on bail in connection with Dumra P.S. Case No. 91 of 2019 pending in the court of learned Chief Judicial Magistrate, Sitamarhi/successor Court.

Hence, prayer for bail is refused.

The learned Trial Court is directed to expedite the trial.

Learned counsel for the petitioner submits that so far case of petitioner Ravi Raj is concerned, he is in custody since 30.08.2019. Investigation of the case is already complete against the petitioner and the material collected during investigation does not reveal any direct connection of petitioner Ravi Raj with the crime alleged.

Learned counsel submits that para 133 of the case diary would reveal that the Superintendent of Police, Sitamarhi



had constituted a team of police officer and constables named in para 133 of the case diary for investigation and raid in connection with Runnisaidpur P.S. Case No. 68 of 2019. The list does not contain name of Ravi Raj. However, in the last paragraph of para 133, it is mentioned that from the case diary of Runnisaidpur P.S. Case No. 68 of 2019, it revealed that the petitioner and others were also member of the raiding party. However, nothing was brought on the record containing order of the competent authority constituting the QRT Team or any other team to assist petitioner Chandra Bhushan Singh in the matter of raid and arrest of the two deceased containing name of Ravi Raj. Nor any witness saw Ravi Raj at any point of time.

The informant has filed a counter affidavit in this case.

Learned counsel for the informant as well as State submits that some other co-accused standing on identical footing to that of Ravi Raj have already been refused prayer for bail by a Coordinate Bench of this Court.

Learned counsel has referred to para 71 of the case diary which simply says that on the basis of statement of the witnesses, it revealed that the petitioner and others were involved in assault and death of the victims. However, there is



no evidence of any witness specific against the petitioner that he was also involved in the assault of the deceased. Para 152 of the case diary referred by learned counsel for the informant contains list of eight constables including the petitioner Ravi Raj who were put under suspension.

No doubt the offence alleged is very serious in nature because protector of life have killed the victim citizen. However, in absence of any direct material suggesting that the petitioner was member of the QRT Team or Technical Team involved in the raid, arrest or assault against the deceased persons, in my view, this is not a fit case wherein the petitioner should be detained furthermore as under trial prisoner.

Considering the facts, let the petitioner Ravi Raj, be released on bail on furnishing bail bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Dumra Police Station Case No. 91 of 2019, subject to the following conditions:-

(a) The petitioner-Ravi Raj shall fully cooperate with the trial of the case, failing which the learned court below shall be at liberty to cancel the bail bond of the petitioner.

(b) Both the bailors shall be resident of the



territorial jurisdiction of the learned court below.

(c) The petitioner shall not leave the country without permission of the learned trial court.

(d) If the learned trial court would be satisfied that the petitioner is hampering the progress of the trial, the learned court below shall be at liberty to cancel the bail bond of the petitioner Ravi Raj.

The Registry is directed to send back the case diary to the Court concerned.

(Birendra Kumar, J)

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