

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17946 of 2021

Arising Out of PS. Case No.-443 Year-2020 Thana- BIHPUR District- Bhagalpur

Md. Jahangir Raiyeen @ Alam S/O Md. Jainul Raiyeen @ Md. Jalaluddin @ Rayeen R/O Village Bikrampur , P.S-Bihpur District Bhagalpur, Presently Posted As Madarsa Teacher At Prathmik Vidhalaya, Raiyeen Tola, Bikrampur, P.S-Bihpur, District-Bhagalpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s :	Mr.Ranjan Kumar Jha,Advocate
For the Opposite Party/s :	Mr.Sanjay Kumar Tiwary,APP
For the Informant :	Mr.Vinay Ranjan,Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 27-09-2021 Heard learned counsel for the petitioner, learned counsel for the informant and learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Bihpur (Jhandapur) P.S. Case No. 443 of 2020 registered for the offences punishable under Section 302/34 of the Indian Penal Code. He is said to be in custody since 04.11.2020.

As per the prosecution story, some police officials of Bihpur Police Station who were there on NH-31 in civil dress stopped the deceased, they started hurling abuses and upon being assaulted one Ranjit Kumar Mandal, S.H.O. of Bihpur Police Station, driver of the private vehicle deputed on duty (this petitioner) and other unknown accompanying police



officials took the brother of the informant to the police station while giving beatings to him with danda and butt of the weapon and the brother of the informant was so severely assaulted at the Police Station after removing his clothes that he started oozing out blood from his mouth. The brother of the informant (since deceased) was continuously given beating by the police officials in the police station also and ultimately that led to the death of the brother of the informant.

Learned counsel for the petitioner submits that so far as this petitioner is concerned, he is a Panchayat Teacher but because of his prior acquaintance with the S.H.O. of the Bihpur Police Station he was called on that particular day for driving his vehicle and the petitioner had a limited role of driving the vehicle.

Learned counsel further submits that so far as this petitioner is concerned, at best it may be alleged that he had given hand and fist blow but there is no witness to say that he had assaulted the deceased inside the police station also.

Learned counsel further submits that while one of the co-accused Shiv Balak Prasad has been granted bail by a learned Co-ordinate Bench of this Court, the prayer for bail of another co-accused Manoj Kumar Choudhary has been rejected by this



Court.

In course of argument, while going through the order granting bail to co-accused Shiv Balak Prasad when this Court called upon the learned counsel for the petitioner to see the distinguishing feature of the case of Shiv Balak Prasad, learned counsel submits that in fact Shiv Balak Prasad was also posted at Bihpur Police Station and to that extent the submission made on behalf of Shiv Balak Prasad seems to be incorrect.

Learned counsel for the petitioner has further tried to impress upon this Court that in this case the main accusation is against the S.H.O. who is still absconding, so far as this petitioner is concerned, he has become a victim of the circumstance and despite the fact that he had no concern with the S.H.O., on that day because he was driving the vehicle he has been implicated in this case.

On the other hand, learned counsel for the informant has opposed the prayer for regular bail of the petitioner. It is submitted that in course of investigation in paragraph '8' of the case diary, the statement of independent witness who was a Pan vendor has come and he has specifically named this petitioner saying that he was also assaulting the brother of the informant who later on succumbed to his injuries and died in police



custody.

Learned counsel submits that it is surprising how a Panchayat Teacher will be driving the vehicle of the S.H.O. in his personal capacity and it only shows the close connection of the petitioner with the S.H.O. who is still absconding as such if released on bail at this stage, the petitioner will come in aid of the S.H.O. who is an absconder as on date.

Learned counsel further submits that in this case a judicial inquiry has also been conducted and several material have been found against the accused including the petitioner.

It is his submission that the case of Shiv Balak Prasad as per order stands distinguished and the informant has been advised to apply for an appropriate remedy.

Learned APP for the State has opposed the prayer for regular bail of the petitioner.

Considering the facts and circumstances of the case, the gravity of the offence alleged in which a young man has been done to death allegedly by the police officials and this petitioner by beating him continuously not only on the road but also inside the police station, this petitioner is said to be one of the persons involved in assaulting the deceased, he is though claiming himself a Panchayat Teacher but was admittedly



driving the vehicle of the S.H.O., because of his personal acquaintance and there are independent witnesses to support that the petitioner was also seen assaulting the deceased, this Court finds that this case stands on similar footing with that of Manoj Kumar Choudhary whose prayer for bail has been rejected by this Court.

The prayer for regular bail of the petitioner is, thus, refused.

Let the trial be expedited.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

