

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)  
CRIMINAL MISCELLANEOUS No.21133 of 2021**

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

MANOJ KUMAR CHOUDHARY Son of Late Kamleshwari Choudhary  
Resident of Village-Narayanpur Navtoliya, P.S.-Bihpur (Bhawanipur O.P.),  
District-Bhagalpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

For the Petitioner/s : Mr.Anil Kumar Choudhary,Advocate

For the Opposite Party/s : Mr.Md.Fahimuddin,APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD  
ORAL ORDER**

2      12-08-2021              Learned counsel for the petitioner undertakes to  
  
remove all the defects pointed out by the Stamp Reporter within  
  
four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Md.  
Fahimuddin, learned APP for the State.

The petitioner in the present case is seeking regular  
  
bail in connection with Bihpur (Jhandapur O.P.) P.S. Case No.  
  
443 of 2020 registered for the offences punishable under Section  
  
302/34 of the Indian Penal Code. He is in custody since  
  
13.10.2020.

According to the First Information Report, the  
  
nephew of the informant was going with his wife and two years  
  
old daughter on his motorcycle after returning offering prayer at  
  
the Durga Sthan. When he reached near Mahesh Sthan Chowk

on NH-31 some police officials of Bihpur police station who were in civil dress stopped the deceased, started hurling abuses and upon being assaulted one Ranjit Kumar Mandal SHO of Bihpur police station, driver of the private vehicle deputed on duty and other unknown accompanying police officials took the deceased 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 beaten at the police station after removing his clothes that he started oozing out blood from his mouth but even thereafter the police officials continued with the beatings and that ultimately led to the death of the brother of the informant.

Learned counsel submits that so far as this petitioner is concerned though he was with the SHO but there is no specific allegation that he had also assaulted the deceased. Learned counsel submits that the petitioner deserves privilege of bail.

On the other hand, learned APP for the State has drawn the attention of this Court towards the detailed discussions made in the impugned order by learned 4<sup>th</sup> Additional Sessions Judge, Bhagalpur. Learned Sessions Judge has referred to various paragraphs of the case diary in which the statements of the prosecution witnesses have been recorded. It is

submitted that the prosecution witness has specifically taken the name of this petitioner in paragraph '165' of the case diary saying that he was with the SHO when the SHO pulled out the brother of the informant from the vehicle and this petitioner has been identified as one of the persons who had taken the deceased to the police station and gave him beatings.

Considering the facts and circumstances of the case, this being in fact a case of custodial death and the allegations and materials in the case suggest brutal and merciless beating by the accused persons including this petitioner in violation of the human rights and in complete disregard to the integrity of the human body in the police station, this Court is not inclined to release the petitioner on bail. The prayer for regular bail of the petitioner is, thus, refused.

The application stands dismissed.

**(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'.