

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50690 of 2021

Arising Out of PS. Case No.-57 Year-2021 Thana- GAMAHARIYA District- Madhepura

GAURAV KUMAR S/o JAWAHAR YADAV R/o VILLAGE-SINGHIYAN,
P.S-GAMAHARIA, DISTRICT-MADHEPURA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Dinesh Prasad Verma, Adv.
For the State	:	Mr. Binod Kumar, APP
For the Informant	:	Mr. Ranjay Kumar Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 30-03-2022 Heard learned counsel for the petitioner, learned
A.P.P. for the State and learned counsel for the informant.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 302, 120B and 34 of the Indian Penal Code and section 6 of the Epidemic Diseases Act.

As per the prosecution case, the informant states that his daughter-in-law had gone to the school in question to get her son ie the grandson of the informant who was living and boarding there. However, the petitioner who happens to be the Director of the school in question did not permit him to leave on the ground that Rs.5,000/ was still outstanding. Subsequently, information was received about his illness and on going to the



hospital, the informant found his grandson who had died, in the medical college.

It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case. On the very face of the allegation, it would transpire that the alleged occurrence is said to have taken place in April 2021 when the entire nation was under a lockdown and the school or the hostel of the school was not open. There are no eye witness to the occurrence and the manner of occurrence is other than what has been narrated in the F.I.R. It was subsequently that the story has been cooked up to implicate the petitioner. No independent witness has supported the prosecution case and the allegation against the petitioner has been built up in the supervision report. The petitioner is in custody since 20.4.2021 and has no criminal antecedent.

The application for bail is opposed by learned A.P.P. for the State and learned counsel for the informant. Learned counsel for the informant has taken the Court through the material that has transpired in course of investigation to submit that substantial material has transpired in course of investigation against this petitioner. Further reliance has been placed on the post-mortem report of the 10 year old deceased



wherein the cause of death is said to be cardio respiratory failure due to throttling as a result of ante-mortem injuries. It is submitted by learned counsel for the informant that the trial in the case has proceeded and three witnesses have been examined on behalf of the prosecution.

Having heard learned counsel for the parties and taking into consideration the materials on record specially the material that has transpired in course of investigation including the contents of the post-mortem report, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

Learned trial court is directed to expedite the trial.

(Partha Sarthy, J)

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