

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19063 of 2023

Arising Out of PS. Case No.-39 Year-2017 Thana- DINARA District- Rohtas

DINESH SINGH @ DINESHWAR PRASAD SINGH Son of Late Kesho
Singh Resident of Village - Garigawan, P.S.- Dinara, District - Rohtas (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mrs. Soni Srivastava, Adv. Mr. Saroj Kumar, Adv.
For the Opposite Party/s	:	Mr. Gulnar Begum, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 11-09-2023 Heard Mrs. Soni Srivastava, learned counsel for the
petitioner learned A.P.P. for the State.

The petitioner seeks bail in connection with Dinara
P.S. Case No. 39 of 2017 dated 22.02.2017/ G.R. No. 244 of
2017/ Sessions Trial No. 143 of 2023 registered for the
offence under Sections 302/34 of the Indian Penal Code.

The petitioner along with three accused persons
are alleged to have killed the son of the informant by
strangulating his neck.

Learned counsel appearing for the petitioner
submits that the petitioner, who is of clean antecedent, is
innocent and has falsely been implicated in this case. She
further submits that the minor son of the informant was



pursuing his studies of standard -VI after being accommodated in the hostel of Chacha Nehru Residential School, Dinara, which was being run and managed by the petitioner. She further submits that according to the prosecution version, son of the informant has been killed by the petitioner in the school but as a matter of fact, the son of the informant has committed suicide after being aggrieved by the conduct of his parents. She further submits that the petitioner being the management head of the school has no role to play in the alleged occurrence but, unfortunately, he has been made accused in this case merely being the owner of the school. She further submits that no one has claimed to be the eye witness of the alleged occurrence nor any child has come forward to support the prosecution version. She further submits that it is apparent from the F.I.R. that the entire allegation against the petitioner is based on conjecture and surmises which is not sufficient to carry on the petitioner to be prosecuted in this case. She further submits that investigation has been complicated and charge-sheet has also been submitted by the police. She further submits that the petitioner has himself surrender in this case on 24.12.2022 and since then he is languishing in



judicial custody without any fault.

Learned counsel for petitioner submits that even if the case at hands assume to be true, at best, it could be said to be the case of negligence for the reason that no cogent material in the form of evidence either documentary or oral is collected during course of investigation against the petitioner.

Per contra, learned A.P.P. for the State vehemently opposed the prayer for bail of the petitioner and submits that it is not a case of suicide but of murder by strangulating the neck of minor son of the informant and the petitioner being the owner of the school is responsible for the murder. He further submits that the postmortem report itself is sufficient to prove the case of murder by strangulation. He further submits that one of the witness, namely, Chandrama Singh in his deposition, which is at paragraph-6 of the case diary, has clearly stated that the petitioner along with his wife and another accused have strangulated the neck of the son of the informant leading to his death. He further contended that the police has also found the case to be true and submitted charge-sheet against the petitioner and two other accused under Sections 302/34 of the Indian Penal



Code vide charge-sheet No. 06 of 2023 dated 14.01.2023 and the trial of the case is about to be started as the record of the case is running at the stage of framing of charge.

Regard being had to the facts and circumstances of the case and the nature of offence of murder of a minor child that too in the premises of an educational organization and also the role and accusation against the petitioner, this Court would observe that a prima facie case is made out against the petitioner and, therefore, this Court is not inclined to enlarge the petitioner on bail. Accordingly, the prayer for bail of this petitioner is, hereby, rejected.

(Rajesh Kumar Verma, J)

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