

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32189 of 2023

Arising Out of PS. Case No.-67 Year-2021 Thana- NARDIGANJ District- Nawada

MADAN KUMAR SINGH Son of Late Dinanath Singh Resident of Village -
Dhandiha, P.S.- Koilwar, District - Bhojpur at Ara.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rajesh Kumar Singh, Sr. Adv. along with Mr. Ravi Prakash with Mr. Jitendra Singh, Advocates
For the Opposite Party/s	:	Mr.Nitya Nand Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 03-07-2023 Heard learned counsel for the petitioner, informant
and learned APP for the State.

The petitioner has prayed for bail in a case registered
for the offence punishable under sections 341, 323, 354, 379,
504, 427 of the Indian Penal Code.

As per allegation in the FIR, while informant was
returning after offering prayer in Pahadi Mandir, his vehicle
turned turtle and fell into a ditch but neither his mother nor the
driver have received any injury. In the meantime, co-accused
Ram Kripal Yadav (the then S.H.O.) asked them to bring the
vehicle in police station or give him bribe of Rs. 10,000/- to
settle the matter. On denial made by the informant, police
officials threatened to implicate him in a false case and



thereafter, on 5.8.2020 Nardiganj P.S. Case No. 175 of 2020 was registered with false injury report of Primary Health Center, Nardiganj. Then, the informant made several complaints to the higher police officials, District Magistrate as well as CMO, Nawada. On 11.08.2020, accused Ram Kripal Yadav (the then S.H.O.) along with other police personnel including the petitioner forcibly entered into the house of the informant and ransacked the entire house and damaged valuable articles. They assaulted mercilessly to him and his father. Specific allegation against the petitioner is of assaulting the informant with lathi and butt of the pistol. Thereafter, the police officials brought the informant to the police station and all the accused persons including the petitioner also assaulted the informant there brutally and snatched his ATM Card and cash of Rs. 76,000/-

It is submitted by learned counsel for the petitioner that petitioner has been falsely implicated in this case. It is further submitted from para-7 of this petition that the allegation against the petitioner is of assaulting the informant with lathi and butt of the pistol apart from that nothing specific came against him. It is also submitted from para-9 of this petition that after the accident of the informant's van, petitioner along with other police personnel reached at the place of occurrence and



pulled the van of the informant with the help of tractor and for maintaining in the record book, they asked the informant to stand the vehicle at police station for necessary action but the informant along with others created hindrance to the police officials in discharging their duties smoothly. 15-20 local persons attacked the constables resulting into injuries to some of the constables. FIR has been lodged after a delay of about 6 months with concocted story and at this stage name of the petitioner has been added as accused with no substantive allegation. Petitioner is a man of clean antecedent and languishing in judicial custody since 23.03.2023.

The application for bail is opposed by learned APP for the State and learned counsel for the informant that police officials have submitted an inquiry report, which was not clear hence, the Enquiry Officer was directed to submit a report clarifying the facts. Vide Memo No. 1603/pu.Ni dated 14.08.2020 the Inspector of Police, Hisua submitted his report mentioning therein that several injuries were found on the person of the informant which is not possible due to fall. It has also been reported that S.H.O., Ram Kripal Yadav was leading the raid for arrest the accused, therefore, it becomes his responsibility to guide his team to discharge the work properly



but he did not do so. S.H.O. and the petitioner were directed vide Memo No. 2542/confidential dated 25.08.2020 of respondent S.P., Nawada to submit their explanation within three days but both did not do so till 10.09.2020 and Dy. S.P. Nawada was directed to frame charges against the petitioner and S.I. Ram Kripal Yadav vide memo no. 2696/confidential dt. 10.09.2020. Petitioner and S.I. Ram Kripal Yadav have chosen not to comply the direction of this Court for transferring investigation to C.I.D. and lodging FIR against seven accused persons described in FIR No. 67 of 2021 P.S. Nardiganj. Accused person Madan Kumar Singh along with S.I. Ram Kripal Yadav against the direction of this Court, investigated PS Case No. 175 of 2020 themselves had not transferred the case to C.I.D. as per direction of this Court. Despite specific direction of this Court in CWJC No. 375 of 2020, neither any FIR was lodged nor the case was transferred the investigation to the CID, which shows the high handedness of the police officials including the petitioner. Learned counsel for the informant further stated that if the petitioner may be released on bail, the inquiry will get hamper.

Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as the period of custody of the petitioner, this Court is



inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st class, Nawada in connection with Nardiganj P.S. Case No. 67 of 2021.

(Sunil Kumar Panwar, J)

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