

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69698 of 2022

Arising Out of PS. Case No.-287 Year-2022 Thana- DALSINGHSARAI District- Samastipur

MD. SHAHAB @ MD. SAHAB Son of Late Motiur Rahman R/V-
Chaknawada, P.S- Dalsingh Sarai, Dist- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Syed Masleh Uddin Ashraf, Adv.
For the State	:	Mr. Surendra Kumar, APP
For the Informant/s	:	Mr. Ranjit Kumar Thakur, Adv.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 21-03-2023 Let the defects, if any, pointed out by the office be removed within three weeks from the date of this order, failing which the matter be listed again under the appropriate heading for necessary action.

Heard learned counsel for the petitioner, learned APP for the State and learned counsel for the informant.

Petitioner seeks regular bail in connection with Dalsingh Sarai P.S. Case No. 287 of 2022 registered for the offences punishable under Sections 147, 148, 149, 341, 342, 323, 306, 504 and 120(B) of the Indian Penal Code.

As per the prosecution, the informant alleged that this petitioner along with other co-accused persons assaulted the informant's brother, thereafter the informant's brother reached



police station to lodge a complaint and the police tried to resolve the matter in between both the parties but could not succeed and kept the informant's brother in police protection where in the alleged night, the informant's brother committed suicide. It is further alleged that the incident of assaulting by these accused persons, abated the informant's brother to commit suicide.

The main submissions advanced by petitioner's counsel are that admittedly, the victim (deceased) committed suicide in the premises of local police station, in which there was no role of the petitioner and other co-accused persons, in fact, the victim's death was a police custodial death and that matter was not inquired or investigated and the police in order to avoid its liability, prepared the instant matter falsely and framed the petitioner and others as accused. Further submissions are that the victim committed suicide in the police station in the night of 28/29.07.2022 but the inquest report was prepared on 29.07.2022 at 09:55 A.M. and from the alleged place of suicide, the police recovered a yellow coloured plastic rope measuring 03 *beeta* 06 *angul* (about 2 feet), which cannot be deemed to be sufficient to commit suicide by hanging to a window grill and the said fact itself, is sufficient to create a serious doubt in the



allegations made in the FIR and moreover against the petitioner, no specific overt act has been attributed in the FIR and the allegations concerned to him, are general and omnibus and he has been languishing in jail since 31.07.2022 and against him, the investigation has been completed and he has criminal antecedent of one case, in which he is on bail.

Learned APP appearing for the State as well as learned counsel appearing for the informant has opposed the bail prayer.

In view of the facts, as stated above and mainly considering the facts that in the FIR, there is no specific allegation against the petitioner and admittedly, the victim committed suicide in the police premises and the prosecution has not made enquiry into the death of the victim and in the FIR, the allegations concerned to the petitioner are general and omnibus and the investigation has been completed against the petitioner, in my opinion it is a fit case for bail to the petitioner. Accordingly, let the petitioner named-above be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned in connection with Dalsingh Sarai P.S. Case No. 287 of 2022.



Let a copy of this order be sent to the Police Superintendent as well as District and Sessions Judge concerned.

(Shailendra Singh, J)

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