

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21602 of 2023

Arising Out of PS. Case No.-12 Year-2019 Thana- C.B.I CASE District- Patna

Veer Bahadur Singh, aged about 55 years, Gender-Male, S/O Late Jimdar Singh @ Late Jaimendra Singh, R/O Village- Gachchhain Rampur Tola, P.S- Karakat (Gorari), District- Rohtas.

... .. Petitioner

Versus

1. The State of Bihar.
2. The State of Bihar through the Director C.B.I Patna, Bihar.

... .. Opposite Parties

Appearance :

For the Petitioner	:	Mr. Krishna Prasad Singh, Sr. Advocate and Mr. Mithilesh Kumar Singh, Advocate
For the C.B.I.	:	Mr. Sourendra Pandey, Spl. P.P./C.B.I.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

4 22-01-2024 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, if any, within a period of three weeks from today.

2. Heard learned senior counsel for the petitioner and learned Spl. P.P. for the C.B.I.

3. The petitioner is apprehending his arrest in connection with Special Case No. 1 of 2020, arising out of RC-12(S) 2019-SCB dated 17.01.2019, arising out of Araria P.S. Case No. 516 of 2018 registered for the offences punishable under Sections 324, 323, 341, 504, 506 of the I.P.C. and Sections 75 and 82 of Juvenile Justice (Care and



Protection) Act.

4. As per the prosecution case, the petitioner was deployed in 'Observation Home', Araria from 19.11.2017 to 04.08.2018 as a Security. On 18.12.2017, the petitioner brutally assaulted a boy, namely, Banka Yadav, during his duty. At that time, the petitioner was deputed in the internal part of the building of 'Observation Home', Araria. At that point of time, on 20.12.2017 at about 9.00 A.M., the petitioner assaulted another boy, namely, Rajesh Kumar Mandal, and took him in the room of security guard where no any other security guard was present and assaulted with an iron rod on the chest of the boy. The injured was medically examined by a medical board in the Sadar Hospital, Madhepura and injury was found on the chest of the said Rajesh Kumar Mandal.

5. Learned senior counsel for the petitioner has submitted that the petitioner is innocent and has been falsely implicated in this case. It is submitted that as per TISS report, only two child prisoners have stated that the petitioner extremely violent but rest have not stated a single word against the petitioner. It is submitted that prior to



lodging of the F.I.R., the matter was enquired by the S.D.P.O., Araria and he has mentioned in his report that the petitioner during his posting in the 'Observation Home' had only scolded to one of the child. It is further submitted that there is nothing on record to show that the boy, namely, Banka Yadav, had received any injury on his person. It is submitted that in the charge sheet submitted by the C.B.I., it has been mentioned that Rajesh Kumar Mandal was beaten by the petitioner on his chest but from perusal of the F.I.R., it appears that there is no allegation of assault on the person of Rajesh Kumar Mandal by the petitioner. It shows that later on, the prosecution story has been developed in connivance with the staff of the observation room. It is further submitted that although the departmental action was taken against the petitioner and he was suspended but charges against him was not established and later on his suspension is revoked now. The petitioner has one criminal antecedent in which he is on bail as stated in paragraph no. 3 of the bail application.

6. Learned Spl. P.P. for the C.B.I. has opposed the prayer for anticipatory bail of the petitioner.



7. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Magistrate, C.B.I., Patna, in connection with Special Case No. 1/2020, arising out of RC-12 (S) 2019-SCB arising out of Araria P.S. Case No. 516 of 2018, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

8. The application stands allowed.

(Chandra Prakash Singh, J)

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