

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51460 of 2024

Arising Out of PS. Case No.-285 Year-2023 Thana- GOPALPUR District- Gopalganj

1. Punam Devi Wife of Pradeshi Chauhan Resident of Vill- Sital Narahwa, P.S.- Gopalpur, District- Gopalganj.
2. Kamla Devi @ Kamal Devi @ Kamalpati Devi Wife of Khali Mahto @ Khali Chauhan Resident of Vill- Sital Narahwa, P.S.- Gopalpur, District- Gopalganj.
3. Dharm Devi Wife of Triloki Chauhan Resident of Vill- Sital Narahwa, P.S.- Gopalpur, District- Gopalganj.
4. Khali Chauhan @ Khali Mahato Son of Late Bangali Mahto Resident of Vill- Sital Narahwa, P.S.- Gopalpur, District- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Devashish Giri, Advocate

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 01-08-2024 Heard learned counsel for the petitioners as well as learned APP for the State, Mr. Chandra Bhushan Prasad.

2. The Station House Officer along with the Investigating Officer of Gopalpur P.S. Case No.285 of 2023 are present in the Court.

3. The SHO of Gopalpur P.S. submits that he has joined recently in February, 2024, it is further submitted that no doubt a mistake has been committed by the earlier SHO and the Investigating Officer in handling the case. The SHO further fairly submits that the instant FIR does not even remotely suggests that Dharmendra was assaulted, but then submits that



fardebayan of the informant was recorded on 20.11.2023 with regard to an occurrence dated 19.11.2023 wherein it was alleged that the accused persons assaulted Dharmendra, on account of which he was admitted in the hospital and later died during the course of treatment, but then submits that a separate FIR for the said occurrence ought to have been recorded. The Investigating Officer of the case also realized his mistake.

4. The learned counsel appearing on behalf of the petitioner submits that section 302 IPC ought not have been added in the instant FIR. The said submission of the learned counsel appearing on behalf of the petitioner is not disputed by the learned APP.

5. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks, are directed to be released on anticipatory bail on their furnishing bail-bonds in the sum of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Gopalganj in connection with Gopalpur P.S. Case No.285 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C.



6. The learned counsel for the petitioner at this stage submits that when one can well imagine the plight of the petitioners who stood implicated in the instant case, though there being no allegation to even remotely suggests that Dharmendra was assaulted. It is also submitted that based on fardbeyan if an FIR is instituted the police in mechanical manner will again investigate and arrest the accused persons, on which the learned APP assures this Court that after an FIR is instituted the police will investigate and thereafter would act in accordance with law.

7. The personal appearance of the SHO and Investigating Officer of the case is dispensed with.

(Satyavrat Verma, J)

Prakash Narayan

U		T	
---	--	---	--

