

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63097 of 2024

Arising Out of PS. Case No.-28 Year-2024 Thana- SACHIVALAYA District- Patna

- 1. Rahul Kumar S/o Arun Sharma R/o - Hari Makudumpur, P.S - Alipur, District - Gaya
- 2. Sanjay Kumar S/o Late Rajnath Yadav R/o vill - Mardua, P.S. - Tekari, Distt. - Gaya
- 3. Dilip Kumar S/o Satendra Yadav R/o vill - Mardua, P.S. - Tekari, Distt. - Gaya
- 4. Kamlesh Kumar S/o Awadesh Yadav R/o vill - Paras Bigha, P.S. - Konch, Distt- Gaya
- 5. Ajay Kumar S/o Ramkripal Yadav R/o vill - Paras Bigha, P.S. - Konch, Distt- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 64866 of 2024

Arising Out of PS. Case No.-28 Year-2024 Thana- SACHIVALAYA District- Patna

Amarjeet Kumar S/O Lal Mohan Sao R/o Village- Khajuri, P.O - Khajuri, P.S - Konch, District - Gaya, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 63097 of 2024)

For the Petitioner/s : Mr. N.K. Agrawal, Sr. Adv.
Mr.Ashok Kumar, Adv.

For the Opposite Party/s : Mr. Bharat Bhushan, APP
(In CRIMINAL MISCELLANEOUS No. 64866 of 2024)

For the Petitioner/s : Mr.Ashok Kumar, Adv.
For the Opposite Party/s : Dr. Indihar Kumari, Adv.

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 28-10-2024 Heard Mr. N.K. Agrawal, learned Senior Counsel

for the petitioner in Cr. Misc. No. 63097 of 2024 and Mr. Bharat

Bhushan, learned APP for the State and Mr. Ashok Kumar,

learned counsel for the petitioner in Cr. Misc. No. 64866 of



2024 and Dr. Indihar Kumari, learned APP for the State.

2. The petitioners are in judicial custody in connection with Sachivalaya P.S. Case No. 28 of 2024 for the offences punishable under Sections 302/34 of the IPC, lodged on 15.03.2024 by the informant, Rinki Devi.

3. As per the prosecution story, the informant alleged that her son was tied to the pole in the MLC quarter and beaten to death by the accused persons. Accordingly, the FIR.

4. Learned Senior Counsel submits that the police investigated the matter and the statement of the police guards attached to one of the MLCs have been recorded and all the three, namely, Randhir Raj, Jitendra Paswan and Shiv Shankar Prasad have made consistent statements that the guard of Shanti Company as also the labourers who were doing the aluminum framework, had caught hold of a thief (the deceased) who used to take away the construction company materials repeatedly and the guard of the Shanti Company, namely, Mukesh Yadav along with the other labourers who were working there for aluminum framework, were beating him after having tied him to the pole.

5. Learned Senior Counsel further submits that the name of Mukesh Yadav has come who is the guard of Shanti Company that he actually tied the deceased and was beaten to



death. These petitioners were arrested in suspicious condition and there is only one paragraph attributed to them which seems suspicious.

6. Learned APPs opposed the prayer submitting that Paragraph-17 shows that the police having found these labourers (the petitioners herein) under suspicious condition near Haj Bhawan and when confronted, they accepted the said incident as also narrated that their welding machine/cutter machine and other materials were being taken away by this person (deceased) for which, after he was caught hold of, was beaten, subsequently, when they came to know about the death, were trying to escape but apprehended.

7. Though the main allegation is against Mukesh Yadav, the MLC guards have made a consistent statements that the aluminum framework labourers as also Mukesh Yadav are the persons behind the beating which ultimately, led to the death of an innocent person. In that circumstance, this Court does not deem it fit and proper to extend the privilege of bail to the petitioners, which is, accordingly, rejected.

8. It has to be noted that though the police has taken statements of the three guards, namely, Randhir Raj, Jitendra Paswan and Shiv Shankar Prasad, they have not confronted



them on as to despite being a police personnels, when in their presence, an innocent person was beaten after having been tied to the pole, why they looked the other way and took no steps whatsoever to save him and/or to immediately inform the police.

9. In that background, the Senior Superintendent of Police, Patna is required to look into this aspect and take appropriate steps against them for complete dereliction of their pious duty as from the facts that have been narrated by the said Police Officials/their own statement clearly shows that had they intervened, the life of the son of the informant could have been saved.

10. Let a copy of this order be communicated to the Senior Superintendent of Police, Patna for his perusal and necessary action.

11. List this case on 02.01.2025 under the heading ‘To be Mentioned’ to peruse the report of the Senior Superintendent of Police, Patna to be sent in the sealed envelope.

(Rajiv Roy, J)

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