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**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.2017 of 2021**  
Arising Out of PS. Case No.-91 Year-2019 Thana- DUMRA District- Sitamarhi

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Arun Kumar, aged about 40 years, son of Deo Narayn Singh, resident of Village - Barichak, P.S. - Masaurhi, District – Patna.

... .. Petitioner

Versus

The State of Bihar.

... .. Opposite Party

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**Appearance :**

For the Petitioner : Ms. Sugandha Prasad, Advocate

For the Opposite Party : Mr. Jharkhandi Upadhayay, APP

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**CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR**  
ORAL ORDER

3 08-12-2021

Heard learned counsel for the parties.

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

This application for anticipatory bail arises out of Dumrah P.S. Case No. 91 of 2019 for the offence under Section 302/34 of the Indian Penal Code.

This matter relates to custodial death of two persons.

It is submitted by learned counsel for the petitioner that the petitioner was on OD duty and the petitioner was sent by the Station House Officer to collect the postmortem report and other documents. It is further submitted that the petitioner is not involved in the crime, so he deserves anticipatory bail.

It appears that entire Police Station is involved in the killing of two persons and the certificate or some letter by one of the accused persons i.e. Station House Officer will not



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come in rescue of the petitioner.

In such circumstances, this is not a fit case for grant of anticipatory bail to the petitioner. Accordingly, this anticipatory bail application is dismissed.

This case is of the year 2019 and despite no interim protection by this Court, the petitioner has not been arrested. It seems that the entire department is protecting the police personnel who are accused of custodial death.

The petitioner is directed to surrender before the Court below within a period of one week from today. If he does not surrender within the aforesaid period of one week then the Superintendent of Police, Sitamarhi, shall arrest the petitioner within next one week and send a report in this regard before this Court.

Let a copy of this order be sent to the Superintendent of Police, Sitamarhi, through FAX or e-mail.

Mr. Jharkhandi Upadhyay, learned APP for the State is directed to inform the Superintendent of Police, Sitamarhi, about this order through mobile phone or Whatsapp.

**(Sandeep Kumar, J)**

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