

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 50273 of 2021

Arising Out of PS. Case No.-115 Year-2018 Thana- CHARPOKHARI District- Bhojpur

Umesh Kumar,

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Kumar and
Mr. Arun Kumar, Advocates
For the Opposite Party/s : Mr. Shyam Kumar Singh, APP

**CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH
SHARMA**

ORAL ORDER

4 22-02-2022 Heard the parties.

The petitioner seeks bail in anticipation of his arrest in connection with Complaint Case No. 528(C) of 2019, arising out of Charpokhri P.S. Case No.15 of 2018, instituted for the offences punishable under Sections 302, 201, 34 of the Indian Penal Code.

Taking into consideration the statement of the mother of the deceased as well as the contents in the FIR and the order passed by the Court below, it cannot be said that the petitioner is not involved. It is a case where the FIR was registered by the mother of the deceased making specific allegations against the accused-petitioner. However, the police did not even bother to arrest and conduct custodial interrogation instead the final report was submitted without even making any arrest.



Considering that the allegation of murder of a young boy was made, and that the concerned Magistrate has taken cognizance and the investigation was not done properly, the Superintendent of Police Bhojpur, Ara and the Station House Officer, Charpokhari, Bhojpur, Ara were asked to submit their affidavits about their conduct. Upon such direction, a supplementary affidavit has been filed by the Station House Officer, Charpokhari, Bhojpur, Ara. From the affidavit, this Court is satisfied that the Investigating Officer has not conducted the investigation properly and he was not arrested the accused named in the FIR and instead, it appears that he has prepared a story that the deceased was having an illicit relationship, which was not acceptable to the family. Thus, in a way he also admits in his affidavit that it appears to be a honour killing of a young boy. The boy was hanged on a tree and then his body was also cremated without the presence of the mother and father of the deceased. In spite of these facts on record Station House Officer, Charpokhari, Bhojpur Ara, has not taken any steps to catch the criminals. The Superintendent of Police Bhojpur, Ara and Deputy Superintendent of Police, Bhojpur Ara have also shown casualness in submitting Final Report in negative form.



The matter is of serious nature. Let an enquiry be conducted by an officer of the rank of Additional Director General of Police, Bihar Patna with regard to the flimsy investigation in relation to the said case and also submit a report to this Court with regard to the action proposed to be taken against the concerned delinquents. The affidavits filed by the Station House Officer, Charpokhari, Bhojpur, Ara before this Court and that of the then Superintendent of Police Bhojpur, Ara shall be considered for the said purpose. The report shall be submitted to this Court after three weeks. Copy of this order be sent to the Director General of Police, Bihar Patna for appropriate action as directed above.

The bail application of the petitioner is dismissed but this file is kept for the purpose of receiving the report of the Director General of Police, Bihar Patna.

(Sanjeev Prakash Sharma, J)

Anand Kr.

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