

IN THE HIGH COURT OF JHARKHAND AT RANCHI

Cr. Appeal (SJ) No. 149 of 2025

Mausam Kumar Singh, aged about 19 years, S/o Vijay Kumar Singh, R/o Village-Mayapur, P.O-Gulabjhari, P.S. Nawdiha (Bazar), District-Palamau (Jharkhand)..... Appellant

Versus

1.The State of Jharkhand

2.Chandan Paswan, aged about 38 years, S/o Late Chandrashekhar Paswan, resident of Semon Nagar, Kohratoli, Kokar, Near Don Bosco School, I.T.I Galli, P.O- Kokar, P.S-Sadar, District-Ranchi, Jharkhand. .... Respondents

with

Cr. Appeal (SJ) No. 198 of 2025

Sahil Ansari, aged about 21 years, Son of Raup Ansari, Resident of Neori, MESRA, P.S-Sadar (Mesra OP), P.O-Neori, District-Ranchi, Jharkhand..... Appellant

Versus

1.The State of Jharkhand

2.Chandan Paswan, S/o Late Chandeshwar Paswan, Resident of Simon Nagar, Khorha Toli, Near Don Bosco School, ITI Gali, P.S-Sadar, P.O- Kokar, District-Ranchi, Jharkhand.

..... Respondents

with

Cr. Appeal (SJ) No. 269 of 2025

Irfan Ansari, aged about 22 years, Son of Md. Kudus Ansari, Resident of N.H.33, near Masjid Lane, MESRA, Neori Vikas Vidyalaya, P.S-Sadar (O.P Mesra), P.O-Neori, District-Ranchi, Jharkhand..... Appellant

Versus

1.The State of Jharkhand

2.Chandan Paswan, S/o Late Chandeshwar Paswan, Resident of Simon Nagar, Khorha Toli, Near Don Bosco School, ITI Gali, P.S-Sadar, P.O- Kokar, District-Ranchi, Jharkhand.

..... Respondents

with

Cr. Appeal (SJ) No. 364 of 2025

Abhishek Kumar, aged about 19 years, Son of Nirmal Kumar Singh, Resident of near Cambrian School, Rani Bagan, Bariatu, P.O + P.S-Bariatu, District-Ranchi..... Appellant

Versus

1.The State of Jharkhand  
2.Chandan Paswan, S/o Late Chandereshwar Paswan,  
Resident of Sion Nagar, Khorhatoli, Near Don Bosco School,  
I.T.I Gali, Hehal, P.O-Hehal, P.S-Sadar, District-Ranchi  
..... Respondents

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CORAM:HON'BLE MR. JUSTICE SANJAY PRASAD  
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For the Appellant : Mr. A.K. Kashyap, Sr. Advocate  
(Cr. A.(SJ) No.149 of 2025)

: Mr. B.M. Tripathi, Sr. Advocate

(Cr. A.(SJ) No.198 of 2025 & Cr. A.(SJ) No.269 of 2025)

: Mr. Ranjan Kr. Singh. Advocate

: Mr. Santosh Kumar, Advocate

(Cr. A.(SJ) No.364 of 2025)

For the State : Mr. Rajiv Ranjan, Advocate General

: Mr. Rajesh Kumar, APP

For the B.I.T. MESRA: Mr. Srijit Choudhary, Advocate

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CAV on:16<sup>th</sup> July 2025    Delivered on: 12.08.2025

All the Criminal Appeals i.e. Cr. Appeal (SJ) No.149 of 2025, Cr. Appeal (SJ) No.198 of 2025, Cr. Appeal (SJ) No.269 of 2025 and Cr. Appeal (SJ) No.364 of 2025 have been heard together and are being disposed of together as they arise by the common F.I.R. dated 17.11.2024 instituted under section 103/3(5) of BNS, 2023 and section 3(1)(r)s) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act by the informant namely Chandan Paswan on account of assault of his son Raja Paswan in the campus of B.I.T MESRA, Ranchi and later on the deceased succumbed to his injuries.

2.Cr. Appeal (S.J) No.149 of 2025 has been filed on behalf the appellant- Mausam Kumar Singh who is a student of 3<sup>rd</sup> Semester of B.I.T. MESRA Polytechnic College, Ranchi.

Cr. Appeal (S.J) No.364 of 2025 has been filed on behalf of the appellant-Abhishek Kumar who is also a student of 3<sup>rd</sup>

Semester of Diploma in E.C Branch at B.I.T MESRA, Ranchi. Cr. Appeal (S.J) No.198 of 2025 has been filed on behalf of the appellant-Sahil Ansari who is said to be the pass-out student of B.I.T MESRA and presently pursuing his Mechanical Engineering course in Cambridge Institute of Technology whereas Cr. Appeal (S.J) No.269 of 2025 has been filed on behalf of the appellant-Irfan Ansari.

3.The prosecution case, in brief, is that on 17.11.2024 the informant Chandan Paswan had submitted written application before the Officer In-charge of B.I.T MESRA, O.P, Ranchi for instituting a case of murder against some unknown students and College Administration of BIT MESRA by stating therein that on 14.11.2024 at around 8.00 p.m. in the night his son Raja Paswan, who was the student of 3<sup>rd</sup> Semester of B.I.T MESRA, Polytechnic College had asked him on telephone to arrive immediately there because some students are abusing him in the name of Dalit and Harijan. He also stated that after some time even he had been informed by the Vice-Principal Warden Prabhat Ranjan Mahto of B.I.T MESRA that his son (i.e. Raja Paswan) is doing vomiting and is becoming unconscious and then the informant along with his wife Gayatri Devi arrived at B.I.T Hostel by the Auto Rickshaw and saw that his son (i.e. Raja Paswan) is becoming unconscious and is vomiting. Thereafter they brought him to their house in the night and on the next day they took him to RIMS Hospital and where in course of treatment his son died. He also stated that there are signs of assault by Lathi, Danda and Belt in the whole body of his son. He also alleged that his deceased son always used to

inform him that the students of B.I.T MESRA used to abuse him in the name of Dalit/Harijan and assault him by making him naked and hence strict actions may be taken against the concerned accused persons.

4. Heard Sri A.K. Kashyap, learned Senior Counsel appearing in Cr. Appeal (S.J) No.149 of 2025, Sri B.M. Tripathi, learned Senior Counsel in Cr. Appeal (S.J) No.198 of 2025 and Cr. Appeal (S.J) No.269 of 2025 and Sri Ranjan Kumar Singh, learned counsel in Cr. Appeal (S.J) No.364 of 2025, Mr. Rajesh Kumar, learned APP for the State and Mr. Srijit Choudhary, learned counsel appearing for the B.I.T MESRA.

#### Argument in Cr. Appeal (S.J) No.149 of 2025

5. It has been submitted by the learned Senior Counsel that the order dated 13.01.2025 passed in Misc. Cr. Application No.3092 of 2024 by the learned A.J.C-II-cum-Special Judge, S.C/S.T. Act, Ranchi is illegal, arbitrary and not sustainable in law. It is submitted that the appellant is innocent and has committed no offence. It is submitted that the appellant is not named in the F.I.R and the informant has not stated anything against the appellant rather the FIR has been lodged against the unknown persons and B.I.T MESRA, College Administration. It is submitted that the appellant has got no criminal antecedent and was never involved in such type of crime. It is submitted that the appellant is a student of Diploma pursuing from B.I.T MESRA at Ranchi. However, on the basis of suspicion, the I.O of the case has added the name of the appellant and took his confessional statement. But, even after taking confessional statement of the appellant,

no any incriminating article has been recovered from his conscious possession. It is submitted that on the basis of disclosure of the co-accused persons namely Sahil Ansari and Irfan Ansari, the belt used in assaulting the deceased have been recovered. It is submitted that there is no allegation against the appellant that he had abused the deceased by taking his caste name at any point of time, nor there is any allegation that the appellant had assaulted the deceased. It is submitted that the informant has fabricated a false narrative, alleging abuse and assault by the appellant against the deceased. It is submitted that the deceased was a chronic alcoholic which contributed to his deteriorating health and he ultimately succumbed to his illness during the course of treatment. It is submitted that the occurrence took place on 14.11.2024 due to sudden provocation and no case under section 103 of B.N.S (corresponding to section 302 of IPC) is made out, rather for the sake of argument at best it can be a case under section 304 of IPC (corresponding to section 105 of B.N.S). It is submitted that the learned Court below has failed to consider that there is inordinate delay of 3 days in lodging the F.I.R without any proper explanation. It is submitted that the appellant is in custody since 23.11.2024 on the basis of false allegation and hence the appellant may be enlarged on bail.

6.Learned Senior Counsel for the appellant, has further submitted that the ASI or SI is not empowered to investigate the case instituted under section 3(1)(r)s of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 2016. It is submitted that under the

provision of section 3(1)(r)s) of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, only Deputy Superintendent of Police is empowered to investigate the case instituted under the provisions of SC/ST Act.

However, in the present case, the case has been investigated by one Basant Kumar, who is Sub-Inspector of Police and hence the entire investigation by said Basant Kumar, Sub-Inspector of Police is illegal, in view of the provisions of section 3(1)(r)s) of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act and Rule 7 of the SC/ST Rules.

Argument in Cr. Appeal (S.J) No.364 of 2025

7.It has been submitted by the learned counsel that the order dated 21.01.2025 passed in Misc. Cr. Application No.41 of 2025 by the learned Court below is illegal, arbitrary and not sustainable in law. It is submitted that the appellant is innocent and has committed no offence. It is submitted that the appellant is not named in the F.I.R nor any specific allegation of assault or torture has been attributed against him. However, during investigation the appellant was arrested and by using third degree took his signature over a plain paper and same was used later on as his confessional statement, save and except there is nothing against the appellant. It is submitted that the appellant is a student of 3<sup>rd</sup> Semester of Diploma pursuing in E.C Branch at B.I.T MESRA having no concern with the alleged offence. It is submitted that on the basis of disclosure of apprehended accused Sahil Ansari, the Belt used for assaulting the deceased had been recovered/ seized from his house and on disclosure of Irfan Ansari,

belt used for assaulting has been recovered from B.I.T MESRA field but there is no any evidence or material to suggest the involvement of the appellant in the instant case. It is submitted that the cause of death was due to combined effect of head injury and asphyxia as a result of pressure over neck and chest. It is submitted that no cogent material has been collected by the Investigating Officer to suggest the involvement of the appellant in the said crime. It is submitted that the appellant is a bona fide student of B.I.T MESRA and there is no any criminal antecedent and if he has not been granted bail, his entire career will be vanished. It is submitted that the appellant is languishing in jail since 23.11.2024 and hence he may be enlarged on bail.

Argument in Cr. Appeal (S.J) No.198 of 2025

8.It has been submitted by the learned Senior Counsel that the order dated 24.01.2025 passed in Misc. Cr. Application No.144 of 2025 by the learned Court below is illegal, arbitrary and not sustainable in law. It is submitted that the appellant is innocent and has committed no offence. It is submitted that after the F.I.R was lodged, the police took up the investigation and started examining the witnesses and in course of investigation the name of the appellant has been surfaced on the basis of confession of co-accused. It is submitted that the learned Court below did not appreciate that the case was only supported by highly interested witnesses and none of the independent witnesses have supported the case. It is submitted that the deceased boy was always abused by the name of his caste by his class-mates and telephonically the deceased

also informed his father that some of the boys assaulted him by using caste name. It is submitted that as the deceased was residing in the College hostel then how he came out from the College and involved in altercation with the boys of nearby locality. It is submitted that the name of the appellant came only on the basis of confession of the co-accused who were the classmates of the deceased and this appellant had not entered into the College. It is submitted that the appellant was former student of BIT MESRA Polytechnic College and he was known to some of the present students and Staffs of the College. Since he was residing in the close locality of the College, hence his name was given as the alleged assault upon the deceased. It is submitted that the police had falsely implicated this appellant and has shown recovery of a belt on the basis of confession of this appellant and the same was recovered from the house of this appellant. The belt is a common article and to be used by each and every person, hence there is no any evidence to show that the said belt recovered from the house of appellant was used for committing this occurrence. It is submitted that the learned Court below failed to consider that the deceased himself scaled over the boundary wall of the College and involved in altercation with the boys of locality and due to their mob assault, he received fatal injuries. It is submitted that the father of the deceased taken him in the night hours in severe health condition and in spite of admitting him in any hospital he kept the boy in the home for the whole night and on the following day he was taken to RIMS but succumbed to the injuries. It is submitted that the

appellant is in custody since 23.11.2024 and hence he may be enlarged on bail.

Argument in Cr. Appeal (S.J) No.269 of 2025

9.It has been submitted by the learned Senior Counsel that the order dated 27.02.2025 passed in Misc. Cr. Application No.360 of 2025 by the learned Court below is illegal and not sustainable in law. It is submitted that the appellant is innocent and has committed no offence. It is submitted that the name of this appellant has been surfaced on the basis of confession of co-accused. It is submitted that the case has been only supported by highly interested witnesses and none of the independent witnesses have supported the case. It is submitted that the deceased boy was always abused in the name of his caste by his classmates and telephonically the deceased also informed his father that some of the boys assaulted him by using caste name. It is submitted that the name of the appellant transpires only on the basis of confession of the co-accused who were the classmates of the deceased and it has nowhere stated that this appellant had entered into the College. It is submitted that no case in terms of the provisions of SC/ST Act is made out against the appellant because nowhere it is stated that at any point of time this appellant abused the deceased by his caste name. It is submitted that the appellant had no concern with the campus of BIT, he is resident of NH 33 which is far away from the BIT MESRA campus. The appellant was not even present at the time of alleged incident in that area and hence there is no specific allegation of any overt act against this appellant. It is submitted that none of the

witnesses have identified this appellant and he was never put on TIP and none of the witnesses at any point of time had seen this appellant near the place of occurrence at the time of alleged incident. It is submitted that no incriminating articles have been recovered from the possession of this appellant and the police anyhow implicated him in this case by obtaining his signature on a blank sheet of paper which was converted into the confessional statement of this appellant. It is submitted that the appellant has no any criminal antecedent. It is submitted that the police has falsely shown recovery of one another belt allegedly used for assaulting the deceased and the same was seized from the open field of BIT MESRA on the basis of confession of this appellant and there is no specific mark on the belt that it belonged to this appellant and also the same was used for assaulting the deceased boy. It is submitted that the deceased himself scaled over the boundary wall of the College and involved in altercation with the boys of locality and due to their mob assault, he received serious injuries. It is submitted that the appellant is in custody since 23.11.2024 and hence he may be enlarged on bail.

10.Mr. Rajiv Ranjan, learned Advocate General had appeared on 13.06.2025 and submitted that vide notification dated 05.12.2023 issued by Home, Prison and Disaster Management Department, Government of Jharkhand, the State Government has conferred power to investigate the cases of Scheduled Caste/Scheduled Tribe (Prevention of Atrocities) Act upon the Dy. Superintendent of Police as well as Police Inspector and all the Officers of

the rank of Sub-Inspector of Police in light of the direction of the Hon'ble Supreme Court of India passed in the case of State of Bihar and Others etc. Versus Anil Kumar and Others etc. [Civil Appeal No.4397-4400 of 2017 Arising from S.L.P (C) No.27524-27 of 2011] with Civil Appeal No.4401 of 2017 [Arising from SLP (C) No.7317 of 2017] and learned Advocate General has pointed out that in view of the above notification dated 05.12.2023, the Sub-Inspector of Police is also empowered to investigate the cases of Scheduled Caste/Scheduled Tribe (Prevention of Atrocities) Act.

Learned Advocate General has also produced the photo copy of the above notification dated 05.12.2023 before this Court on 13.06.2025 during course of the argument, which has been kept on record.

11.On the other hand, Mr. Rajesh Kumar, learned APP for the State in all the above Criminal Appeals has submitted that the impugned orders passed by the learned A.J.C-II-cum-Special Judge, S.C/S.T. Act, Ranchi are proper and no interference is required. It is submitted that bail of all the four appellants named above has rightly been rejected by the learned Court below. It is submitted that the appellant-Mausam Kumar Singh [in Cr. Appeal (SJ) No.149 of 2025] and Abhishek Kumar [in Cr. Appeal (SJ) No.364 of 2025] are the students of B.I.T MESRA Polytechnic College in the 3<sup>rd</sup> Semester and they were residing in hostel and on the occasion of meeting of Fresher's Party, both the appellants along with other student had brutally assaulted the deceased (i.e. Raja Paswan) who was also student of 3<sup>rd</sup> Semester of B.I.T MESRA by belt, fists, slaps and legs, due

to which he had suffered severe injuries and even his shirt was torn.

12.It is submitted that the informant during his subsequent statement recorded at para-2 has fully supported his case for assaulting his son by all the appellants by fists, slaps and belt severely and due to which the deceased succumbed to his injuries. It is submitted that all the appellants namely Mausam Kumar Singh [in Cr. Appeal (SJ) No.149 of 2025], Abhishek Kumar [in Cr. Appeal (SJ) No.364 of 2025], Sahil Ansari [in Cr. Appeal (SJ) No.198 of 2025] and Irfan Ansari [in Cr. Appeal (SJ) No.269 of 2025] have confessed their guilt on 22.11.2024 for brutally assaulting the deceased (i.e. son of the informant) due to which deceased- Raja Paswan died. It is submitted that the witnesses namely Somnath Deogharia, Gouri Shankar Giri, Prabaht Ranjan Mahto (Assistant Warden of Hostel No.2), Rajendra Mahto (Assistant Warden of Hostel No.1), Anuj Kumar (student), Sumit Mahto (student) and Deep Raj Shekhar (student), whose statements have been recorded in para-7, 8, 18, 19, 21, 22 and 23 have fully supported the case against the appellant-Sahil Ansari [in Cr. Appeal (SJ) No.198 of 2025] and the appellant-Irfan Ansari [in Cr. Appeal (SJ) No.269 of 2025] for assaulting them along with other accused persons and they had identified the appellant-Sahil Ansari [in Cr. Appeal (SJ) No.198 of 2025] as pass-out student of B.I.T MESRA.

13.It is further submitted that the other witnesses namely, Sandip Verma, Rajiv Kumar, Ayush Priyam, Yuvraj Kumar, Jitesh Karmali, whose statements have been recorded in

para 34, 35, 36, 37 and 38 of the case diary, have fully supported the prosecution case against the appellants namely Mausam Kumar Singh [in Cr. Appeal (SJ) No.149 of 2025], Abhishek Kumar [in Cr. Appeal (SJ) No.364 of 2025] for assaulting the Raja Paswan (i.e. the deceased son of the informant in the Hostel) situated in the campus of B.I.T MESRA Polytechnic College, Ranchi. It is submitted that the appellant- Mausam Kumar Singh [in Cr. Appeal (SJ) No.149 of 2025] had brutally assaulted the deceased Raja Paswan for the reason that one another College student Rajiv Kumar (para-35 of the case diary) had got photograph with another girl student-‘x’ (name not disclosed due to her being student) and thereafter the appellant-Mausam Kumar Singh had an altercation with said student Rajiv Kumar. But when the deceased Raja Paswan asked the appellant-Mausam Kumar Singh [in Cr. Appeal (SJ) No.149 of 2025] as to why he had assaulted Rajiv Kumar then the appellants-Mausam and Abhishek and others had assaulted him brutally. It is submitted that even the witness i.e. girl student ‘x’ and one Raja Soni whose statements have been recorded in para-50 and 52 of the case diary have supported the prosecution case of the 1st assault in the campus of BIT MESRA. It is submitted that paragraph 73, 76, 82 and 87 contain the confessional statements of appellants Mausam Kumar, Abhishek Kumar, Sahil Ansari and Irfan Ansari for admitting their guilt and hence their prayer for bail may be rejected.

14.Mr. Srijit Choudhary, learned counsel appearing on behalf of the B.I.T MESRA submitted that the Administration of B.I.T MESRA has taken note of the

incident on 14.11.2024 and had informed the informant (i.e. the father of the deceased) regarding the ill health of the deceased Raja Paswan. It is submitted that the B.I.T MESRA Administration (i.e. Vice-Principal Warden Prabhat Kumar) had tried to take the deceased son of the informant to the RIMS by ambulance but the parents of the deceased Raja Paswan insisted to handover their son to them and the parents of the deceased son had taken the deceased Raja Paswan to their house and thereafter on the next day the deceased Raja Paswan was taken to hospital where he died in course of treatment. It is submitted that the B.I.T MESRA authorities have also conducted an enquiry and they have taken certain actions also against the appellants, Mausam Kumar Singh [in Cr. Appeal (SJ) No.149 of 2025] and Abhishek Kumar [in Cr. Appeal (SJ) No.364 of 2025]. It is submitted that the campus of BIT MESRA is open from some area and they have not raised the boundary wall for the last 60 years. However, they have taken full precaution in the hostel and they have always tried to maintain proper security in and around the campus of B.I.T MESRA including the campus of B.I.T MESRA, Polytechnic College. It is submitted that the witnesses namely Somnath Deogharia, Gouri Shankar Giri, Prabaht Ranjan Mahto (Assistant Warden of Hostel No.2), Rajendra Mahto (Assistant Warden of Hostel No.1) statements in para-7, 8, 18 and 19 had also informed the incident to the parents.

15.Perused the records of this case and considered the submission of the learned counsel for the parties.

16.It appears that informant-Chandan Paswan (father of the deceased son Raja Paswan) had lodged F.I.R on

17.11.2024 alleging therein that on 14.11.2024 at around 8.00 p.m. in the night his deceased son Raja Paswan, student of B.I.T MESRA Polytechnic College 3<sup>rd</sup> Semester, informed him to arrive immediately at the College as some students are abusing him in the name of Dalit/Harijan and after some time Prabhat Kumar, Vice Principal, Warden of BIT MESRA also informed him that his son Raja Paswan is vomiting and has become unconscious and thereafter the informant along with his wife Gayatri Devi arrived by Auto Rickshaw to BIT Hostel and found his son to be unconscious and for vomiting. Then he brought his son to his house and next day he get admitted him to RIMS Hospital, Ranchi where his son died during course of treatment. He had seen the signs of assault by Lathi, Danda and Belt on the whole body of his son and his son used to inform him that some student of the College used to abuse him in the name of Dalit/Harijan and assault him by making him naked. The informant requested the Officer In-charge of Police Station to take action against the accused persons and administration of BIT MESRA.

17.It appears that though all the four appellants are not named in the FIR, however, during Police investigation their name came to surface and they were remanded before the learned Court below on 23.11.2024 by the Sub-Inspector, MESRA O.P, Ranchi.

18.It appears that name of these appellants transpired in this case on the basis of statement of Rajendra Mahto (Assistant Warden of Hostel No.1), Anuj Mahto, Sumit Mahto (another student of 3<sup>rd</sup> Semester) and Deep Raj Shekhar, whose statements have been made in para-19,

21, 22 and 23.

19. Even, from perusal of statement of witness Gouri Shankar Giri, Supervisor Security of BIT MESRA Polytechnic College (para-8 of the case diary), it appears that he also supported the FIR and stated that Fresher's Party was organized on 14.11.2024 to welcome new students and College students were enjoying the party, then in the meantime, one girl student 'x' (name not disclosed), Student of C.S. Branch of 3<sup>rd</sup> Semester was taking her photographs with one another student Rajiv then suddenly the appellant-Mausam Kumar Singh student of 5<sup>th</sup> Semester saw them taking photograph and he started assaulting Rajiv and forbade him from taking photo with the said girl student 'x' as she is his Lover and he started assaulting Rajiv then there was scuffle between Rajiv and Mausam and he along with security personnels arrived there and pacified the matter. Thereafter, in the meantime, the deceased Raja Paswan came also there and enquired as to who had assaulted Rajiv then the appellant Mausam Kumar also taunted upon the deceased Raja Paswan and there was quarrel between deceased Raja Paswan and appellant- Mausam and then Nipun Tirkey, Rajkumar Seth, Yogesh Kumar, appellant-Abhishek Kumar and their batch mates surrounded deceased Raja Paswan and assaulted him by leg, shoe and belt, but he got the matter pacified and in course of assault, the shirt of Raja Paswan was fully torned, then one Raja Soni, who was room mate of Raja Paswan, handed over his jacket to deceased Raja Paswan and all of them were going to hostel but, in the meantime, a phone was received in the mobile of deceased Raja

Paswan, then Raja Paswan went outside the College by scaling the boundary wall of College Campus and who was followed by Cook and Security Personnels of the College. Thereafter he heard the alarm from outside then he along with other security personnels went outside and found that the deceased Raja Paswan and other students of the College namely, Deep Raj Shekhar, Sumit Kumar, Anuj Kumar were being assaulted by legs, shoes and belt by the local students by forming the unruly mob and despite the arrival of College security personnels they continuously used to assault deceased Raja Paswan and other students. Thereafter a meeting was called for by the College Administration and while the matter was being enquired from the students of 3<sup>rd</sup> Semester then suddenly Raja Paswan became unconscious then he informed this fact to the Director of the College by phone. Thereafter, Raja Paswan was sent to BIT Dispensary Main Campus, but seeing the seriousness of his condition, the deceased Raja Paswan was referred to RIMS, Ranchi and thereafter the information was given to the family members of deceased Raja Paswan and who arrived at the College campus. But, thereafter the College management informed the family members of deceased Raja Paswan that Raja Paswan has taken wine in large quantity, due to which he has become unwell and then the family members of deceased took him to his house situated at Kokar and kept him there for the whole night and on the next morning the deceased was taken to RIMS, Ranchi on 15.11.2024 where he died during course of treatment.

20.From perusal of statement of witness namely, Somnath

Deogharia, Mess Supervisor at BIT MESRA Polytechnic College (para-7 of the case diary) recorded under section 180 of the BNSS by police, it would appear that he stated that in the evening of 14.11.2024 a Fresher's Party was organized in the College for welcoming the new students and while he was doing work in the Mess which is adjacent to boundary then he heard the noise outside the boundary and upon which, he along with Prabhat Ranjan Mahto (Assistant Warden of Hostel No.2, BIT MESRA) and security personnels went outside by scaling the boundary then he found that the deceased Raja Paswan and other students namely Deep Raj Shekhar, Sumit Kumar Mahto and Anuj Kumar were being assaulted by mob of local students by legs, shoes and belt and in spite of their arrival they continuously assaulted Raja Paswan and other students. However, when other security personnels arrived there and the injured students were brought inside the campus then the said mob fled away. Thereafter the College Management called all the students in the meeting hall and was enquiring about the assault then suddenly deceased Raja Paswan became unconscious and upon which he informed the said matter to the Director of the College and then deceased Raja Paswan was sent to BIT Dispensary Main Campus for first aid treatment and from when the Doctor seeing the seriousness of his condition, referred him to RIMS, Ranchi for better treatment. Thereafter the College Management informed the family members of the Raja Paswan to arrive at the College and upon their arrival they met him in the College campus and thereafter the College Management informed the family

members of deceased Raja Paswan that Raja Paswan had taken wine in large quantities and he has become unwell and family members of Raja Paswan took him to house at Kokar and kept him there for the whole night. On the next day the family members of deceased Raja Paswan took him to RIMS Hospital, Ranchi and where the Raja Paswan died during course of treatment, then the family members of the deceased informed this fact to the BIT MESRA O.P and after doing all the formality the family members of the deceased Raja Paswan lodged FIR on 17.11.2024.

21.From going through the statement of said Prabhat Ranjan Mahto, Assistant Warden of Hostel No.2, BIT MESRA (para-18 of the case diary), it would appear that he appellant-Mausam Kumar and his friends namely Nipun Tirkey (co-accused Juvenile), Rajkumar Seth, Yogesh Kumar, appellant Abhishek Kumar had brutally assaulted him by legs, shoes and belt. Thereafter while the matter was being pacified then deceased Raja Paswan received a call in his mobile made by one Deep Raj Shekhar (para-23 of the case diary) and Raja Paswan, Deep Raj Shekhar, another Abhishek Kumr and Sumit Kumar Mahto were brutally assaulted by the appellant-Sahil Ansari [in Cr. Appeal (SJ) No.198 of 2025] and the appellant-Irfan Ansari [in Cr. Appeal (SJ) No.269 of 2025] and mob of 10-15 persons by belt, shoes and legs and they were so emboldened that despite presence of College Security Personnels, they did not stop rather they continued to assault them brutally. Thereafter the College Administration had brought the deceased Raja Paswan and other students in the campus and on seeing the condition

of deceased Raja Paswan, the College Administration informed the family members of deceased Raja Paswan that the deceased had taken wine in bulk quantities and has become unwell.

22. Thus, from perusal of statement of Somnath Deogharia and Prabhat Ranjan Mahto recorded under section 180 of the BNSS before the Police, it would appear that the College Administration had misled the parents of the deceased Raja Paswan and they had concealed the assault sustained by the deceased Raja Paswan at the hands of the appellant-Mausam Kumar Singh [in Cr. Appeal (SJ) No.149 of 2025] and Abhishek Kumar [in Cr. Appeal (SJ) No.364 of 2025] and subsequently they also concealed the brutal assault sustained by appellant-Sahil Ansari [in Cr. Appeal (SJ) No.198 of 2025] and the appellant-Irfan Ansari [in Cr. Appeal (SJ) No.269 of 2025] and his 12 other boys i.e. namely (i) Ekramul Ansari, (ii) Sehran Hussain (iii) Sahil Ansari (iv) Jabir Ansari (v) Sahbaj Anari (vi) Rijwan Ansari (vii) Raja Ansari (viii) Sami Ansari (ix) Sahir Ansari (x) Danish Anari (xi) Abdul Rakib (xii) Sohail Anari. Even the College Administration has not disclosed the name of any doctor for treating him at medical dispensary of BIT MESRA, Main Campus.

23. Witness Rajendra Mahto (para- 19 of the case diary) is posted on the post of Warden of Hostel No.1, BIT MESRA, has stated that a Fresher's Party was organized for new students in the College on 14.11.2024 and students of the College were enjoying the party then student 'x' (name not being disclosed) student of 3<sup>rd</sup> Semester of Computer Science Branch was getting her photograph with one Rajiv

then suddenly Mausam Kumar, student of 5<sup>th</sup> Semester arrived there and started abusing Rajiv by claiming that student 'x' as is his lover and why he is snapping photograph with her. The appellant Mausam caught hold of collar of Rajiv and started quarreling but the security personnels arrived there and set the matter at rest. In the meantime, the deceased Raja Paswan came there and enquired as to who assaulted Rajiv then appellant Mausam claimed to assault him and he also started assaulting him and then Nipun Tirkey, Rajkumar Seth, Yogesh Kumar, Abhishek Kumar who were friends of appellant Mausam Kumar started assaulting the deceased Raja Paswan by legs, shoes and belt by surrounding him then the witness got the matter pacified. In course of assault, the shirt of Raja Paswan was fully torned then one Raja Soni who was room mate of Raja Paswan gave him a jacket and then all started going towards hostel. But in the meantime, a phone suddenly came in the mobile of Raja Paswan then Raja Paswan scaled the boundary of College campus by running and who was followed by cook and security personnels of the College. After some time, they heard the sound of shouting then the security personnels went outside and found that the deceased Raja Paswan and some students of the College namely, Deep Raj Shekhar, Sumit Kumar Mahto and Anuj Kumar were being brutally assaulted by some local boys by forming mob and they were assaulting Raja Paswan, Deep Raj Shekhar, Sumit Kumar Mahto and Anuj Kumar by legs, shoes and belt and despite being forbade to do so, those boys continuously assaulted Raja Paswan and other students. He identified

the appellant-Sahil Ansari [Cr. Appeal (SJ) No.198 of 2025] who was pass out student of the College and he forbade him from assaulting them and then appellant Sahil agreed but his other friends did not agree and they continuously assaulted them and thereafter further security personnels of the College arrived there and the students were brought inside the campus of the boundary wall and then the said accused persons fled away. Thereafter the College Management called for a meeting of all the students and enquired about the quarrel and while they were making enquiry from the students of 3<sup>rd</sup> Semester then in the meantime, deceased Raja Paswan became unconscious and then he informed about this to the Director of the College and thereafter the deceased Raja Paswan was sent to primary treatment before the BIT MESRA Dispensary main campus and where the Doctor, seeing the seriousness, referred into RIMS for better treatment. Thereafter College Management informed the family members of the deceased Raja Paswan to arrive immediately at the College who live in mohalla Kokar and who arrived at the College campus and thereafter the College Management informed the family members of the deceased Raja Paswan that deceased Raja Paswan had taken wine in large quantities due to which he is unwell and whereupon the family members of Raja Paswan took him to the house and took him in the whole night at his residence at Kokar and in the next morning on 15.11.2024 the mother of Raja Paswan found his condition unwell then the family members of the deceased took him to RIMS Hospital, Ranchi where he died in course of treatment and

then family members of deceased Raja Paswan informed about this to BIT MESRA O.P and after doing entire formality the case was instituted on 17.11.2024.

24.From perusal of statement of Rajendra Mahto (para-19 of the case diary), Warden of Hostel No.1, it would appear that he had stated the same and similar facts under section 180 of BNSS, as stated by Prabhat Ranjan Mahto by taking the name of the appellants namely Mausam Kumar Singh [in Cr. Appeal (SJ) No.149 of 2025], Abhishek Kumar [in Cr. Appeal (SJ) No.364 of 2025] and appellant-Sahil Ansari [in Cr. Appeal (SJ) No.198 of 2025].

25.Thus, from the statement of even Rajendra Mahto, it would appear that the College Administration has concealed the fact of assault sustained by the deceased Raja Paswan at the hands of the appellant-Mausam Kumar Singh [in Cr. Appeal (SJ) No.149 of 2025] and Abhishek Kumar [in Cr. Appeal (SJ) No.364 of 2025] and subsequently they also concealed the brutally assault sustained by appellant-Sahil Ansari [in Cr. Appeal (SJ) No.198 of 2025] and the appellant-Irfan Ansari [in Cr. Appeal (SJ) No.269 of 2025] and his 12 other boys i.e. namely (i) Ekramul Ansari, (ii) Sehran Hussain (iii) Sahil Ansari (iv) Jabir Ansari (v) Sahbaj Anari (vi) Rijwan Ansari (vii) Raja Ansari (viii) Sami Ansari (ix) Sahir Ansari (x) Danish Anari (xi) Abdul Rakib (xii) Sohail Anari. The College Administration has not disclosed the name of any doctor for treating him at medical dispensary of BIT MESRA, Main Campus.

26.From perusal of statement of witnesses i.e. College students of BIT MESRA namely, Anuj Kumar Mahto, Sumit

Mahto and Deep Raj Shekhar, whose statements have been recorded in para-21, 22 and 23 of the case diary under section 180 of the BNSS, it would appear that on 14.11.2024 they had gone outside the College campus by scaling the wall secretly to take meal at BIT, Johar Dhaba and while they were returning and just about the scale of the boundary of the campus of the hostel then they saw that one Abhishek Kumar, student of 5<sup>th</sup> Semester of EEE Branch was lying on the ground and when they wished him then they received no reaction, then they asked the nearby local people who were taking drugs, as to why they had assaulted him (i.e. Abhishek Kumar) then those people started abusing and assaulting him and they were 10-15 in numbers then witness-Anuj Kumar Mahto rang in the mobile of deceased Raja Paswan and then Raja Paswan also came before them by scaling the wall of the College campus and from where they used to come secretly and upon arrival of deceased Raja Paswan, all those 10-15 people started assaulting him and when they protested then those people taunted that Raja Paswan is Boss of them and he had arrived to save them and hence those people brutally assaulted Raja Paswan by leg, shoes and belt due to which he become seriously injured. Upon hearing the noise of alarm, the security personnels of the College, Prabhat Ranjan Mahto (para-18 of the case diary), Somnath Deogharia (para-7 of the case diary) and Gouri Shankar Giri (para-8 of the case diary) also arrived there by scaling the boundary of the College and they also tried to save them from the clutches of the local people but they were overpowering them due to being much in number and

thereafter on hearing their alarm, the other security personnels also arrived there by scaling the wall and saved them from the local people. He also stated that Prabhat Ranjan Mahto, College Warden had identified one local pass out student Sahil Ansari [in Cr. Appeal (SJ) No.198 of 2025] and to whom said Prabhat Ranjan Mahto had asked him to stop the assault. They further stated that thereafter College Management called all the students in the meeting hall to enquire about the quarrel in the College campus and for which they were enquiring from the students of 3<sup>rd</sup> Semester then suddenly the deceased Raja Paswan became unconscious then they had informed the Director of the College on telephone and thereafter Raja Paswan was sent to BIT Dispensary, Main Campus for first aid treatment and from where the doctor referred him to RIMS, Ranchi. Thereafter the College Management had informed the family members of the deceased Raja Paswan to immediately arrive at the College and when they arrived at the College then they informed the family members of the deceased Raja Paswan that Raja Paswan had taken wine in large quantities due to which he is not wells and upon which, his family members took the deceased Raja Paswan to their house and kept him at their residence for whole night. On the next morning, he was taken to RIMS, Ranchi where he died during course of treatment and then the family members of Raja Paswan informed the BIT MESRA O.P. about his death and then F.I.R was lodged on 17.11.2024.

27. Therefore, it is clear from the statement of Somnath Deogharia, Prabhat Ranjan Mahto and Rajendra Mahto that

on the one hand they had concealed the fact of first part of brutal assault inside the College campus upon the deceased Raja Paswan on 14.11.2024 and again they concealed the second part of brutal assault upon the deceased Raja Paswan, rather the conduct of College Administration reveals that instead of taking proper step by the management for getting him treated, they allowed him to go with his parents by falsely stating that deceased Raja Paswan has taken wine in large quantities due to which he has become unwell. Had they stated or narrated the actual fact of brutal assault made upon the deceased Raja Paswan and upon several other people who were 10-15 in numbers, the matter would have been different. The parents could see the signs of assault of Belt, Lathi and Danda on 15.11.2024 at RIMS upon the deceased Raja Paswan while he was under treatment and the deceased had died due to negligence on the part of the College Management and also due to assault made by these four appellants and also the unruly Mob who were 10-15 in numbers.

28.It is further evident that despite being knowledge of death of Raja Paswan on 15.11.2024 received from the family members, the police had instituted the case only on 17.11.2024 instead of 15.11.2024 and even the inquest report was prepared by the police of BIT MESRA O.P. on 16.11.2024, as it reveals from para-20 of the case diary.

29.From perusal of the subsequent statement of the informant-Chandan Paswan recorded at paragraph-2 of the case diary under section 180 of the BNSS, it would appear that he had stated that his son deceased Raja Paswan

student of 3<sup>rd</sup> Semester of BIT MESRA Polytechnic College asked him to arrive at College as he was being abused by some students by calling him Dalit/Harijan and after some time, he received call from Warden Prabaht Ranjan Mahto of B.I.T MESRA that his son is vomiting and has become unconscious, then he along with his wife Gayatri Devi arrived at BIT MESRA Polytechnic College hostel and found his son to be becoming unconscious and vomiting and then he along with his wife brought his son to his house and on the next day, he was taken to RIMS, Ranchi for treatment where he died. He had seen the sign of assault of Lathi, Danda and Belt on the whole body of the deceased Raja Paswan and also stated that his son used to inform him that students used to abuse him in the name of Dalit/Harijan and used to assault him by making him naked. He also alleged that College administration had concealed the fact of assault upon the deceased to them.

30. It further appears from the statement of witness namely, Sandip Verma, Rajiv Kumar, Ayush Priyam, Yuvraj Kumar and Jitesh Karmali recorded at para- 34, 35, 36, 37 and 38 of the case diary under section 180 of the BNSS on 19.11.2024 and they have stated the same facts as has been stated by Somnath Deogharia (para-7 of the case diary), Gouri Shankar Giri (para-8 of the case diary) and also stated about the second part of the occurrence as stated earlier by Prabhat Ranjan Mahto (para-18 of the case diary), Rajendra Mahto (para-19 of the case diary), Anuj Kumar, (para-21 of the case diary), Sumit Mahto (para-22 of the case diary) and Deep Raj Shekhar (para-23 of the case diary).

31. Witness Sandip Verma was working as Supervisor Security in BIT MESRA Polytechnic College whereas the witnesses Rajiv Kumar, Ayush Priyam, Yuvraj Kumar and one witness Jitesh Karmali were students of 3<sup>rd</sup> Semester. They have also stated that the College administration had informed the family members of deceased Raja Paswan that Raja Paswan had taken wine in large quantities due to which he become unconscious and unwell. Thus, their statement also reveals that BIT MESRA had concealed the fact of first brutal assault and second brutal assault meted out to the deceased Raja Paswan by the appellant-Mausam Kumar Singh [in Cr. Appeal (SJ) No.149 of 2025] and Abhishek Kumar [in Cr. Appeal (SJ) No.364 of 2025] at the first instance and subsequently by the appellant-Sahil Ansari [in Cr. Appeal (SJ) No.198 of 2025] and the appellant-Irfan Ansari [in Cr. Appeal (SJ) No.269 of 2025] in the second brutal assault along with 10-15 boys in number.

32. From perusal of statement of witnesses namely, student 'x' (student of 3<sup>rd</sup> Semester of C.S. Branch), Raja Soni (student of 3<sup>rd</sup> Semester) recorded at para-50 and 52 of the case diary, it would appear that even student 'x' had supported the first part of the occurrence and had stated that the appellant-Mausam Kumar Singh [in Cr. Appeal (SJ) No.149 of 2025] had altercation with the another student Rajiv Kumar which was pacified by the College security guards and then she went to her hostel. However, witness- Raja Soni (student of 3<sup>rd</sup> Semester, para-52) stated the same fact as has been stated by the witness Gouri Shankar Giri (para-8 of the case diary). Hence the same is not being

repeated here. However, the evidence of Raja Soni also reveals that the family members of deceased Raja Paswan were informed that Raja Paswan had taken Alcohol in large quantities and it shows that they had concealed the fact of first brutal assault and second brutal assault.

33. Para-73 and para-76 are the confessional statements of the appellant-Mausam Kumar Singh [in Cr. Appeal (SJ) No.149 of 2025] and appellant-Abhishek Kumar [in Cr. Appeal (SJ) No.364 of 2025] recorded on 22.11.2024. Mausam Kumar Singh is alleged to have stated before the police for having altercation between him and witness Rajiv Kumar (para-35 of the case diary).

Para-76 is the confessional statement of the appellant-Abhishek Kumar and who is also alleged to have confessed before the police for assaulting the deceased Raja Paswan along with Mausam Kumar in association with Nipun Tirkey and other friends. He had assaulted the deceased Raja Paswan due to which shirt of Raja Paswan was torned.

Para-77 is the confessional statement of the co-accused Juvenile Nipun Tirkey who is also alleged to have assaulted deceased Raja Paswan along with Mausam Kumar.

34. Para-82 is the confessional statement of the appellant-Sahil Ansari [in Cr. Appeal (SJ) No.198 of 2025] who is said to have passed B. Tech through CIT College, Tatisilwey, who is alleged to have stated before the police to have seen one student lying on the ground after consuming drugs. However, in the meantime, the deceased Raja Paswan arrived there and gave water to the said boy. But, in

the meantime, some other students provoked him by saying that they had assaulted the said student Abhishek and due to which the said altercation took place then the appellant Irfan Ansari also arrived there but Irfan was assaulted by those students due to which he sustained head injury and thereafter he, i.e. (i) Sahil Ansari along with (ii) Irfan Ansari and 12 others namely (iii) Ekramul Ansari, (iv) Sehran Hussain, (v) Sahil Anari, (vi) Jabir Ansari, (vii) Sahbaj Anari, (viii) Rijwan Ansari, (ix) Raja Ansari, (x) Sami Ansari, (xi) Sahir Ansari, (xii) Danish Anari, (xiii) Abdul Rakib, and (ivx) Sohail Ansari brutally assaulted deceased- Raja Paswan by belt, shoe and legs etc. In the meantime, some Teachers and Staff of the College arrived there and intervene in the matter and then they fled away. Later on, he learnt that on 15.11.2024 the deceased Raja Paswan had died.

35. Para-87 is the confessional statement of appellant-Irfan Ansari [in Cr. Appeal (SJ) No.269 of 2025]. He also admitted that he along with Sahil Ansari and 12 others namely (i) Ekramul Ansari, (ii) Sehran Hussain (iii) Sahil Ansari (iv) Jabir Ansari (v) Sahbaj Anari (vi) Rijwan Ansari (vii) Raja Ansari (viii) Sami Ansari (ix) Sahir Ansari (x) Danish Anari (xi) Abdul Rakib (xii) Sohail Anari had assaulted the deceased Raja Paswan and other student of the College by belt, bat and fists and later on, he learnt that the deceased Raja Paswan had died.

36. It reveals that the post-mortem examination of deceased Raja Paswan was conducted by a Medical Board constituted by Medical Superintendent, RIMS Ranchi consisting of Dr. Md Arif Tauheed, Senior Resident,

Department of Medicine, Dr. Naman Maheshwari, Senior Resident, Department of Surgery, Dr. Deepali Tirkey, Assistant Professor, Department of Pathology and Dr. Ankur Chaudhary, Senior Resident, Department of FMT.

37. Para-117 is the post mortem report of the deceased Raja Paswan and it appears that the deceased had sustained as many as nine (09) external injuries and eight (08) internal injuries.

The external injuries upon the person of the deceased Raja Paswan are as follows:-

External:-

1. Abrasion, reddish in colour, measuring 0.5 cm x 0.5 cm, present over the nose on left side.
2. Abrasion, reddish in colour, measuring 1 cm x 0.5 cm, present over the face on left side, situated at a point 4 cm inner and 1 cm above the left tragus.
3. Abrasion, reddish in colour, measuring 0.5 cm x 0.5 cm, present over the forehead in midline, situated at a point 3.5 cm above the glabella.
4. Abrasion, reddish in colour, measuring 5 cm x 0.25 cm, present over the middle part of left cheek.
5. Contusion, reddish blue in colour, measuring 4 cm x 3 cm, present involving the middle part of left cheek.
6. Abrasion, reddish in colour, measuring 2 cm x 0.5 cm, present over the neck on left side, situated at a point 9.5 cm below and 2 cm inner to left mastoid process.
7. Abrasion, reddish in colour, measuring 0.5 cm x 0.5 cm, present over the front of right leg, situated at a point 5 cm below the right knee joint.
8. Abrasion, reddish in colour, measuring 1 cm x 0.5 cm, present over the front of right leg, situated at a point 6 cm above the right ankle joint.
9. Abrasions, two in number, reddish in colour,

measuring

5 cm x 0.25 cm, and 0.5 cm x 0.25 cm respectively, present over the front of right shoulder.

Ligature mark: Ligature mark (measuring 3 cm to 4 cm in width, and 23 cm in length), horizontally situated involving the middle and lower part of neck, starting at a point 8.5 cm below the left mastoid process and ending at a point 9 cm below and 2 cm away from external occipital protuberance of right side. The ligature mark is situated 8.5 cm below the left mastoid process, 6 cm below the angle of mandible on left side, 7 cm above the suprasternal notch and 6.5 cm below the symphysis menti in midline, 7 cm below the angle of mandible on right side, 11 cm below the right mastoid process, and 9 cm below and 2 cm away from external occipital protuberance of right side.

Circumference of neck at the level of thyroid cartilage is 37 cm.

The internal injuries on the person of the deceased Raja Paswan have been found, as follows:-

Internal:-

1. Contusion, measuring 6 cm x 4.5 cm, present involving the parietal region of scalp on left side.
2. Contusion, measuring 5 cm x 4 cm, present involving the temporal and occipital region of scalp on right side.
3. Right temporalis muscle contusion present.
4. Subdural blood and blood clots over right side of brain.
5. Contusion, measuring 1 cm x 0.5 cm, present involving the sternohyoid muscle on right side.
6. Contusion, measuring 2 cm x 1 cm, present involving the omohyoid muscle on right side, and surrounding structures.
7. Contusion, measuring 1 cm x 0.5 cm, present involving the omohyoid muscle on right side, and surrounding structures.

- 8. Contusion, measuring 0.25 cm x 0.25 cm, present involving the posterior aspect of cervical part of oesophageal wall on right side.
- 9. Both the lungs are diffusely contused.
- 10.Stomach contains 100 ml of blackish fluid. Stomach walls are congested.
- 11.Right kidney weighs 100 g; Left kidney weighs 100 g; Both the kidneys are congested.
- 12.All the internal organs are congested.

The opinion of the doctor regarding the injuries and the cause of death are as under:-

- |   |
|---|
| Opinion of medical officer as to the injuries being ante-mortem or post-mortem, nature of probable weapons used, if any, cause of death, time since death; and any additional relevant information  |
| <ul style="list-style-type: none"><li>1. The above noted injuries are ante-mortem in nature.</li><li>2. Ligature mark is caused by ligature material.</li><li>3. Abrasions and contusions are caused by hard and blunt object (s).</li><li>4. Death is due to combined effect of head injury, and asphyxia as a result of pressure over neck and chest, and their complications. However, viscera have been preserved for chemical analysis.</li><li>5. Time elapsed since death is 18 hours to 36 hours from the time of post-mortem examination.</li><li>6. The viscera have been kept preserved. The Investigating Officer is directed to collect and submit the preserved viscera to FSL for chemical analysis, as soon as possible, preferably within three months.</li><li>7. Videography done by the inquest authority and the video CD/cassette is in the possession of the same.</li></ul> |

38.Thus, from going through the evidence of the witnesses namely, Somnath Deogharia, Gouri Shankar Giri,

Prabaht Ranjan Mahto (Assistant Warden of Hostel No.2), Rajendra Mahto (Assistant Warden of Hostel No.1), Anuj Kumar, Sumit Mahto, Deep Raj Shekhar Sandip Verma, Rajiv Kumar, Ayush Priyam, Yuvraj Kumar, Jitesh Karmali, student 'x' (name not disclosed) and Raja Soni, as has been mentioned at Paragraph Nos.7, 8, 18, 19, 21, 22, 23, 34, 35, 36, 37, 38, 50 and 52 of the case diary, it would appear that even after sustaining the first brutal assault and the second brutal assault, the deceased Raja Paswan, the College authorities had failed to inform the real picture to the parents and family members of the deceased, rather they had simply informed that the family members of the deceased Raja Paswan has consumed huge alcohol/wine in large quantities and due to which he has become unwell and is vomiting and they had deliberately concealed the fact of sustaining assault on two different occasions at the hands of the appellants i.e. appellant-Mausam Kumar Singh [in Cr. Appeal (SJ) No.149 of 2025] and Abhishek Kumar [in Cr. Appeal (SJ) No.364 of 2025], appellant-Sahil Ansari [in Cr. Appeal (SJ) No.198 of 2025] and the appellant-Irfan Ansari [in Cr. Appeal (SJ) No.269 of 2025] and other co-accused persons.

39. Thus, the approach of the College Administration is not appreciated by this Court and the father of the deceased have been shown negligent by them and they have taken very casual approach and they had not paid any heed upon the physical conditions and injuries sustained by the deceased Raja Paswan. Had they got treated him at the earliest by admitting him to a good reputed hospital either in RIMS, Ranchi or at any private Hospital in Ranchi

perhaps the life of the deceased could have been saved. But the negligent approach of the College administration reveals that they do not took seriously the life of the student who ultimately succumb to the injury and they claim to be innocent by putting the blame upon the parents and family members of the deceased Raja Paswan by simply saying that they had pressurized him to take into house instead of taking into hospital to save their own skin. Thus, there is negligence and lapses on the part of the College administration also.

40. This Court had called for the Director General of Police, State of Jharkhand vide order dated 12.06.2025 and had asked him to prepare a S.O.P for the security of the students residing in College hostel and also doing study in the Colleges, so that in future such incident may not happen in future in BIT MESRA Polytechnic College and any other Colleges in the entire State of Jharkhand.

41. Mr. Anurag Gupta, the Director General of Police, State of Jharkhand had appeared in person on 13.06.2025 and the State has filed the affidavit on 07.07.2025.

42. This Court vide order dated 12.06.2025 had also directed the physical appearance of the Vice Chancellor, Dean and the Registrar of BIT MESRA, Ranchi and also to the Director General of Police, State of Jharkhand, Ranchi to remain physically present on 13.06.2025 and on 13.06.2025 the Sri Anurag Gupta, the Director General of Police, State of Jharkhand, Prof. Indranil Manna, Vice Chancellor, BIT MESRA, Ranchi, Sri Vinay Sharma, Former Director, BIT MESRA, Ranchi and Sri Sudeep Das, Registrar, BIT MESRA, Ranchi were present.

43.This Court vide order dated 13.06.2025 directed the Director General of Police, State of Jharkhand and the College Administration of BIT MESRA to prepare the S.O.P for the safety and security of the students.

44.Thereafter on 25.06.2025 this Court, had directed Mr. Rahul Purwar, Principal Secretary, Higher Technical Education, Govt. of Jharkhand through Video Conferencing and also apprised him about the safety and security of the Colleges in the State then the Principal Secretary, Higher Technical Education, Govt. of Jharkhand also submitted that they are also preparing S.O.P for the Constituent Colleges and the Colleges affiliated with the State of Jharkhand for establishing Medical Dispensaries and other Medical Facilities inside the campus of the College inside the State of Jharkhand. However, he has further submitted that the S.O.P may not be binding upon the deemed universities like BIT MESRA but it can be taken as an advisory.

The learned APP who was directed to produce the SOP in the meantime.

45.Pursuant to the said order, the learned APP has filed counter affidavit on behalf of the Director General of Police, State of Jharkhand on 07.07.2025 and has enclosed the S.O.P as contained in Memo No.2725 dated 04.07.2025 which has been enclosed as Annexure-A and stated that S.O.P has been framed for the security purpose of the educational institutions within the State of Jharkhand and they have suggested a number of measures regarding security and safety and co-ordination with the police and local administration by the College

authorities.

It further apprised that all the Police Station have been directed to prepare a list of Colleges in their jurisdiction and have their contact number and one person should be nominated for co-ordination and contact with the College Administration and regular police patrolling may be done at the important time and there should be arrangement for receiving secret information so that anti-social elements, druggists and criminals may not reside near the College campus and a seminar should be organized for traffic rules, criminal law, sexual exploitation, POCSO Act etc. and a complain box should be received from the students and police may be deputed mandatorily during big programmes, game competition, festivals in College and they have co-ordination with medical or medical facility.

46. Even one supplementary affidavit dated 09.07.2025 has been filed through Prof. Vinay Sharma, who is working as Professor, Department of Production, BIT MESRA and was In-charge of Director (University Polytechnic), MESRA, Ranchi at the time of incident took place.

47. In the said affidavit dated 07.07.2025 BIT MESRA has pointed out that the incident involving Raja Paswan (deceased) took place with some other students in the month of November, 2024 outside the premises of BIT MESRA Polytechnic. After physical assault between the students, Raja Paswan was initially transported from the Polytechnic to BIT Dispensary for the treatment and the Doctor further advised the student for treatment in RIMS, Ranchi and he has enclosed the photo copy of Ambulance and Security Vehicle Log Book entries marked as Annexure-

A. However, from perusal of Annexure-A i.e. the Vehicle Log Book, it would appear that the same does not contain the name of Raja Paswan and it merely shows Disp H-9 and Poly 11.00 p.m. to 11.40 p.m. on 14.11.2024. The Log Book of 14<sup>th</sup> and 15<sup>th</sup> of Ambulance does not reveal the name of deceased Raja Paswan at any point of time. He has also enclosed the letter dated 15.11.2024 and stated that Vice Chancellor had informed about the incident on 15.11.2024 vide Annexure-B. They pointed out that one enquiry committee consisting of (1) Prof. Vinay Sharma, Chairman, (2) Dr. Priyank Kumar, H.O.S Secretary, (3) Mr. P.R. Mahto, Lecturer and (4) Wardens, Hall No.1, 2 and 3. They have also produced the instructing to Graduates for XXXIV Convocation dated 30.10.2024.

48. The BIT MESRA College/University in its counter affidavit further stated that they have taken steps for installation of Concertina wire fencing boundary wall which has been enclosed as Annexure-D which is the note sheet form issued by Senior Tech Superintendent and Chief Engineer by engaging a Contractor, M/s Zaffar Ansari. They also pointed out that an internal committee report covering all the incidents and measures taken after the incident was submitted with specific recommendation and photo copy of report dated 19.11.2014 and recommendation dated 21.11.2014 are enclosed as Annexure-E to the counter affidavit. They have pointed out in Annexure-E that there is installation of Concertina wire fencing on the boundary wall to prevent unauthorized movement and they are upgrading CCTV surveillance system because due to frequent connectivity issues, real

time surveillance and image capture have been proved to be unreliable and hence they are upgrading it to DVR at the earliest and they are taking steps for appointment of full time Hostel Manager and one Faculty Manager will be designated as the Professor In-charge in each hostel and those persons will oversee all hostel, academic and administrative measures. They have also taking steps for installation of High-Mast Lighting behind the Hostels. They will also take measures to improve students' discipline. They have further produced the SOP said to be prepared on 20.06.2025 (Standard Operating Procedure) as follows:-

A.Proactive Measures to Prevent Unfortunate Incidents.

- (i) Prior police intimation for large gathering.
- (ii) Strengthening Campus Security (By Campus Security)
- (iii) Awareness and counseling Programs,
- (iv) Proper communication channels
- (v) Night time regulation,
- (vi) Health and Medical preparedness and
- (vii) Jurisdictional Limitations and External Accountability

B.Administrative Actions in the case of an incident

- (i) Immediate Reporting and Response,
- (ii) Constitution of the Disciplinary Committee,
- (iii) Medical Assistance and Documentation,
- (iv) Escort and Support,
- (v) Parental Notification and Handing Over,
- (vi) Follow-up and Counseling
- (vii) Communication and Confidentiality.

49. Apart from this they have also taken several measures for record maintenance and reviews, code of conduct for students and issued various guidelines which have been indicated in SOP in detail from page 23 to 32 respectively.

50. This Court is satisfied with the SOP of College Administration of BIT MESRA for the present. But, this may

not be fully sufficient as this Court finds that there is no establishment of proper medical hospital/clinic having at least two male and two female doctors where more than several thousands of students are residing at the hostels of BIT MESRA campus including BIT MESRA Polytechnic College.

51. This Court further finds that there are several instances of commission of suicide by the students in premium institutions like IITs, NITs, AIIMS and various Engineering and Technical Colleges and despite the guideline issued by the UGC and the Hon'ble Supreme Court, the College Administration have not been able to curb the menace of harassment and ragging meted out to the students by the fellow senior students in the name of entertainment or amusement. The country has lost several valuable lives and the parents are helpless towards the apathy shown by the various College Managements including immense institutions like IITs, NITs, AIIMS and other Government and Private Technical institutes. There are so many hurdles in the way of parents that truth never came out of the will.

52. In a similar matter, the mother of the deceased student had filed writ petition being Writ Petition No.5257 of 2017 (Surekha Luxman Sonovane vrs. The State of Maharashtra) before the Bombay High Court which was disposed of on 12.07.2024, wherein the mother of the deceased student had sought for direction for stringent action against some of the respondents for medical negligence and also prayed for providing compensation of Rs.50,00,000/- to the writ petitioner for the death of her daughter. The deceased daughter of the writ petitioner had sustained head injury

and she was brought to nearby Hospital and where she died due to hemorrhage. The writ petitioner had alleged that the College lacks adequate medical facilities including Ambulance and there was an unacceptable delay in transporting for her daughter to the Hospital.

53. The Hon'ble Bombay High Court had disposed of the said writ petition being Writ Petition No.5257 of 2017 on 12.07.2024 reported in 2024 SCC OnLine Bom 2348 (Surekha Luxman Sonovane versus The State of Maharashtra) and held at paragraph-9, 10, 11, 12 and 14 as follows:-

“Para-9:- The issue raised by the Petitioner of providing first aid and medical facilities in educational Institutes such as polytechnics is of importance. Educational Institutes in larger cities have a substantial strength of students and staff members who spend a considerable portion of their day away from their homes. Medical emergencies can occur due to the commuting requirements (especially in Mumbai) and diverse activities within these institutions. While some institutions may have their arrangements or provide ad-hoc responses by transporting patients to the nearest hospital during emergencies, delays in timely medical treatment can lead to fatal results. Relying solely on ad-hoc responses for medical emergencies is inadequate. A structured approach and mandates of law are required to ensure basic medical facilities are readily available on the premises. This necessitates directives from state authorities, with clear consequences for non-compliance, to ensure that educational Institutes adhere to standards that deal with the medical emergencies of their students and staff.

Para-10:- The learned Amicus has placed on record AICTE Approval Handbooks and UGC [Affiliation of Colleges Offering Technical Education By Universities] Regulations, 2014. The learned Amicus has drawn our attention to the AICTE Approval Handbooks for the years 2023-2024 and 2024-2027 for our consideration. Appendix 6 of these Handbooks outlines the norms for essential and desirable requirements of technical

institutions. Clause 6.1 of Appendix 6 specifies the essential requirements for technical institutions, which include provisions for first aid, medical facilities, and counselling services. Details regarding these requirements are provided in a checklist that is verified by the Expert Visit Committee. According to Clause 13.2(9), the Expert Visit Committee has to physically verify the existence of a first aid cum sick room. Additionally, Clause 13.2(16) stipulates that the Expert Visit Committee should examine documentation regarding the details and evidence of medical facilities and counselling arrangements, as well as any Memorandum of Understanding (MoU) with nearby hospitals or clinics, or the appointment of a doctor and nurse on campus, along with proof of compliance with first aid standards.

Para-11:- The State of Maharashtra, however, had not issued any directions to educational Institutes regarding the medical facilities. The educational Institutes in the State are regulated by the Higher and Technical Education Department and the Education Department under the governing statutes and Resolutions. The State Government has the power to issue directions to these educational Institutes. Copies of the orders passed in the petition, therefore, were directed to be sent to the Principal Secretary of the Higher and Technical Education Department and the Education Department of the State of Maharashtra to provide information on whether any directives have been issued to educational Institutes regarding providing basic medical facilities. It is thereafter, during today's hearing, the learned Government Pleader placed on record the Circular dated 10 July 2024 issued by the Higher and Technical Education Department. The learned Government Pleader informed the Court that the Education Department of the State of Maharashtra is issuing a Circular similar to the one issued by the Higher and Technical Education on 10 July 2024.

Para-12:- The Circular dated 10 July 2024 issued by the Higher and Technical Education Department, Government of Maharashtra, states that a large number of students enrolled in degree, postgraduate, and diploma courses spend approximately 6 to 7 hours daily on campus, making immediate medical assistance necessary. Consequently, all Colleges are mandated to provide basic medical care. The Circular

directs all educational institutes under the Higher and Technical Education Department of the Government of Maharashtra to implement several key measures. These include compulsory student insurance as per Government Resolutions dated 25 August 2011 and 16 October 2023. Additionally, each institute must establish a first aid cum sick room of at least 20 square meters equipped with immediate first aid facilities and ensure that first aid kits are readily available in all departments. Furthermore, Institutes are instructed to organise medical first aid training and annual medical examination camps for students and staff, with specific training in artificial respiration. Display boards listing ambulance services and nearby private hospitals must be prominently displayed on campus. To manage emergencies effectively, one or two designated coordinators are to be appointed and trained to coordinate with hospitals and facilitate student admissions during critical situations. The Institutes are required to establish collaborations with local doctors to provide on-call medical services, ensuring that doctors are available to respond promptly to student needs. Provisions for emergency vehicles should be made to facilitate the transportation of patients to hospitals when required. These directives apply to all educational Institutes under the Higher and Technical Education Department of the Government of Maharashtra. The Circular has been sent to non-agricultural universities, deemed universities, and other specified institutes for immediate compliance.

Para-14:- In light thereof, we dispose of the writ petition with the following directions:

(i) The Higher and Technical Education Department, Government of Maharashtra, will issue necessary instructions to all the educational Institutes covered by the Circular dated 10 July 2024 specifying the course of action within the bounds of law in case of failure to adhere to the directions in Circular dated 10 July 2024.

(ii) The Higher and Technical Education Department will give wide publicity to the Circular dated 10 July 2024 through media, social media or on its website.

(iii) The Higher and Technical Education Department will also provide a helpline number and

social media presence so that the students, parents and staff members can point out the non-supply of medical facilities as per the Circular dated 10 July 2024 in their educational Institutes.

(iv) In light of the statement made by the learned Government Pleader that the Education Department, Government of Maharashtra, is in the process of issuing a circular similar as the Circular dated 10 July 2024 issued by the Higher and Technical Education Department. The Education Department will issue such a Circular within one month from today.

(v) The directions issued to the Higher and Technical Education Department as above will be applicable to the Education Department.”

54. Although in the above case, no compensation was granted by the Hon’ble Bombay High Court as in the above case the College Authorities had taken the deceased student to the Hospital where she had died.

55. This Court finds that for the present, the State Government has empowered all the Police Officers including the Sub-Inspector of Police and Inspector of Police apart from Dy. Superintendent of Police to investigate the cases instituted under the provision of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act and hence, at this stage, the investigation by the Sub-Inspector, Basant Kumar is not vitiated.

56. However, this Court further finds that although the accused-appellants i.e. appellant-Sahil Ansari [in Cr. Appeal (SJ) No.198 of 2025] and the appellant-Irfan Ansari [in Cr. Appeal (SJ) No.269 of 2025] have taken the name of twelve (12) persons namely, (i) Ekramul Ansari, (ii) Sehran Hussain (iii) Sahil Ansari (iv) Jabir Ansari (v) Sahbaj Anari (vi) Rijwan Ansari (vii) Raja Ansari (viii) Sami Ansari (ix) Sahir Ansari (x) Danish Anari (xi) Abdul Rakib (xii) Sohail

Anari to be involved in committing brutal assault upon the deceased Raja Paswan and his colleagues, but the said Officer In-charge appears to be shielding those accused persons in the garb of collecting material which does not appear proper and the police has simply submitted charge sheet against the four appellants as named above as well as one Nipun Tirkey, which finds place at para-141 of the case diary.

57.Hence, this Court does not appreciate the conduct of the I.O-Basant Kumar, Sub-Inspector of MESRA O.P, Ranchi for taking for keeping investigation pending against those 12 persons as named by appellant-Sahil Ansari [in Cr. Appeal (SJ) No.198 of 2025] and the appellant-Irfan Ansari [in Cr. Appeal (SJ) No.269 of 2025]. But, so far as other students of BIT MESRA Polytechnic College, namely Raj Kumar Seth and Yogesh Kumar as the same are students and the police have not found any material till date and it should be done properly as they are College students and they may not be harassed, if they are found to be innocent.

58.From perusal of the statement of Somnath Deogarhia, Prabhat Ranjan Mahto, Deep Raj Shekhar, Sumit Mahto and Anuj Kumar, it appears that the mob were very large in number and even after arrival of some of the Security Personnels of BIT MESRA they could not be controlled and subsequently various other security personnel of BIT MESRA were called upon to control and manage the mob and then the mob of students/persons outside the BIT MESRA could be controlled.

59.It is further evident from the Post-Mortem Report of the deceased Raja Paswan that no Alcohol/wine was found on

the person of the deceased. Thus, the version of the College Administration by informing the informant that the deceased Raja Paswan had taken Alcohol/wine is incorrect. It also reveals that one belt each (i.e. two belt) were used for assaulting the deceased Raja Paswan were recovered from the house of appellant-Sahil Ansari [in Cr. Appeal (SJ) No.198 of 2025] and the appellant-Irfan Ansari [in Cr. Appeal (SJ) No.269 of 2025] which has been also admitted by them in their confessional statements. Though the belts are available in open market but this aspect will be seen at the time of trial.

60. At the same time, even this Court at the cost of repetition, further reiterates that the College authorities have remained negligent and they have shown no control over the administration in the College and even the boundary wall of the College is not so satisfactorily constructed in the College, as not only the students of the College but also the staff and security personnels of the College are able to scale the boundary wall of the College campus. At some place, it shows that they have left the place insecure for the movement of the students and anti-social elements at risk.

61. This Court further finds from perusal of paragraph-6 and 9 of the case diary that CCTV Footage of Hostel No.1 where the occurrence took place was not working and even CCTV Footage outside the campus was not working and this is clear negligence and administrative failure on the part of administration of BIT MESRA University reflects. The University authorities cannot play with the life of any male student/female students. They have also failed to

report the matter to the police till 17.11.2024 when ultimately the FIR was lodged by the poor and helpless father of the deceased (i.e. the informant Chandan Paswan).

62.Had the University Authorities had taken prompt action and pay medical attention towards the treatment of deceased Raja Paswan, his life could have been saved. But, as a result of their sheer negligence and neutral approach, they let off their hands by sending the student with their parents instead of taking them to the good Government Hospital with the mature faculty and security personnels of the College. Hence, the College administration shall remain cautious in future.

63.So far as merit of the case is concerned, this Court finds that both appellant-Mausam Kumar Singh [in Cr. Appeal (SJ) No.149 of 2025] and Abhishek Kumar [in Cr. Appeal (SJ) No.364 of 2025] are involved in assaulting the deceased Raja Paswan and both the appellants along with other co-accused persons as named in their respective confessional statements had assaulted the deceased Raja Paswan mercilessly due to which his shirt was torned and he has sustained injury. The College is the campus of study but it cannot be a place of quarrel and the College is also not a place of groupism or for showing Bossism and nefarious activities by claiming any girl student to be his girlfriend and for assaulting the other student. The student should also refrain from participating in such a nefarious design and for showing supremacy over the others except in the case of self defence. However, the present case is not a case of self-defence rather both the appellants i.e.

appellant-Mausam Kumar Singh [in Cr. Appeal (SJ) No.149 of 2025] and Abhishek Kumar [in Cr. Appeal (SJ) No.364 of 2025] and other co-accused as named in the confessional statement of appellant-Mausam Kumar Singh [in Cr. Appeal (SJ) No.149 of 2025] and Abhishek Kumar [in Cr. Appeal (SJ) No.364 of 2025] have shown their supremacy by targeting the witness Rajiv Kumar (para-35 of the case diary) and deceased Raja Paswan. They are regular student and they were to pass out from the College peacefully but instead of doing so they committed assault upon the deceased Raja Paswan.

64. Therefore, this Court is not inclined to enlarge the appellant-Mausam Kumar Singh [in Cr. Appeal (SJ) No.149 of 2025] and Abhishek Kumar [in Cr. Appeal (SJ) No.364 of 2025] on bail, at this stage. Accordingly, the prayer for bail of the appellant-Mausam Kumar Singh [in Cr. Appeal (SJ) No.149 of 2025] and Abhishek Kumar [in Cr. Appeal (SJ) No.364 of 2025] is, hereby, rejected at this stage.

65. So far as remaining appellant-Sahil Ansari [in Cr. Appeal (SJ) No.198 of 2025] and the appellant-Irfan Ansari [in Cr. Appeal (SJ) No.269 of 2025] are concerned, this Court finds that they have brutally assaulted the deceased Raja Paswan, due to which the deceased sustained as many as nine (09) external injury and as many as eight (08) internal injuries and even his lungs was congested and even the ligature mark was found on the neck of the deceased Raja Paswan and even the Medical Board consisting of team of four doctors have opined that the deceased died due to combined effect of both the external and internal injuries sustained by him.

66.It appears that both the appellants i.e. appellant-Sahil Ansari [in Cr. Appeal (SJ) No.198 of 2025] and the appellant-Irfan Ansari [in Cr. Appeal (SJ) No.269 of 2025] in association with 12 other persons namely, (i) Ekramul Ansari, (ii) Sehran Hussain (iii) Sahil Ansari (iv) Jabir Ansari (v) Sahbaj Anari (vi) Rijwan Ansari (vii) Raja Ansari (viii) Sami Ansari (ix) Sahir Ansari (x) Danish Anari (xi) Abdul Rakib (xii) Sohail Anari have brutally assaulted the deceased Raja Paswan like a mob lynching, due to which, he sustained several internal and external injuries and injury on neck as has been mentioned in the post-mortem report of the deceased as mentioned in para-117 of the case diary.

67.The Hon'ble Supreme Court has issued certain guidelines in the case of death on account of Mob Lynching.

68.The Hon'ble Supreme Court in the case of Tehseen S. Poonawalla vs. Union of India and Others reported in (2018) 9 SCC 501 held at para-38, 39 and 40 and 40.1 to 40.23 which are very exhaustive in nature hence para-40.1 to 40.23 are not being quoted here, but para- 38 and 39 are being referred here:-

“Para-38:- Thus, the decisions of this Court as well as the authorities from other jurisdictions clearly show that every citizen has to abide by the law and the law never confers the power on a citizen to become the law unto himself or take law into his hands. The idea is absolutely despicable, the thought is utterly detestable and the action is obnoxious and completely hellish. It is nauseatingly perverse. In the aforesaid hearing, Mr Hegde, as stated earlier, gave the preventive, remedial and punitive measures to be laid down as guidelines by this Court. Ms Indira Jaising, learned Senior

Counsel, has placed reliance on *Pravasi Bhalai Sangathan v. Union of India* [*Pravasi Bhalai Sangathan v. Union of India*, (2014) 11 SCC 477 : (2014) 3 SCC (Cri) 400] to submit that these guidelines do come under Sections 153 and 295-A IPC and this Court has elaborately dealt with the same.

Para-39:- There is no dispute that the act of lynching is unlawful but we are not concerned with any specific case since it has become a sweeping phenomenon with a far-reaching impact. It is our constitutional duty to take a call to protect lives and human rights. There cannot be a right higher than the right to live with dignity and further to be treated with humanness that the law provides. What the law provides may be taken away by lawful means; that is the fundamental concept of law. No one is entitled to shake the said foundation. No citizen can assault the human dignity of another, for such an action would comatose the majesty of law. In a civilised society, it is the fear of law that prevents crimes. Commencing from the legal space of democratic Athens till the legal system of modern societies today, the law-makers try to prevent crimes and make the people aware of the same but some persons who develop masterly skill to transgress the law jostle in the streets that eventually leads to an atmosphere which witnesses bloodshed and tears. When the preventive measures face failure, the crime takes place and then there have to be remedial and punitive measures. Steps to be taken at every stage for implementation of law are extremely important. Hence, the guidelines are necessary to be prescribed.”

69. In the above case, the writ petitioner had approached for declaring section 12 of the Gujarat Animal Preservation Act, 1954, Section 13 of the Maharashtra Animal Preservation Act, 1976 and Section 15 of Karnataka Prevention of Cow Slaughter and Cattle Preservation Act, 1964 as unconstitutional. However, certain principles in general were also observed by the Hon’ble Supreme Court

at para 38 and 39 and this Court is inclined to refer only para-38 and 39.

70. It appears that both the appellants i.e. appellant-Sahil Ansari [in Cr. Appeal (SJ) No.198 of 2025] and the appellant-Irfan Ansari [in Cr. Appeal (SJ) No.269 of 2025] in association with 12 other persons as named in their respective confessional statement, had brutally assaulted the deceased, due to which deceased Raja Paswan ultimately died of injuries.

71. It is truth that the youths cannot be controlled in their young ages and sometimes they form their own opinion and act in youthful manner, irrespective of understanding its consequences in future. However, their actions are being tolerated, if it results into some minor scuffle or some groupism. But, in case of death of student for a trifling thing is a serious aspect and it cannot be allowed to take such an irresponsible decision.

The incident taking place must not be the first incident and such incident may not be the last incident also when two youth clashes with each other on some issues but the College Administration must ensure that this should be the last incident, at least for the several years to come.

All the appellants have taken the general plea that the deceased Raja Paswan had taken Alcohol in huge quantities due to which he succumb to injury but this fact does not appear to be correct in view of the Post-Mortem Report of the deceased Raja Paswan which clearly shows that he had received nine (09) external and eight (08) internal injuries and thus, the plea of the appellants is not tenable.

72.Hence, this Court is not inclined to enlarge the appellants i.e. appellant-Sahil Ansari [in Cr. Appeal (SJ) No.198 of 2025] and the appellant-Irfan Ansari [in Cr. Appeal (SJ) No.269 of 2025] on bail.

Accordingly, the prayer for bail of the appellants i.e. appellant-Sahil Ansari [in Cr. Appeal (SJ) No.198 of 2025] and the appellant-Irfan Ansari [in Cr. Appeal (SJ) No.269 of 2025] is, hereby, rejected.

73.However, so far as present case is concerned, this Court is of the view that for the tortious and vicarious liability the College Administration should pay certain amount of compensation to the parents of the family members of the deceased student-Raja Paswan.

74.It has been held by Hon'ble Supreme Court in the case of Nilabati Behera (Smt) alias Lalita Behera (Through the Supreme Court Legal Aid Committee) vs. State of Orissa and Ors. reported in (1993) 2 SCC 746 at para-10, 34 and 35 as follows:-

"Para-10:- In view of the decisions of this Court in Rudul Sah v. State of Bihar [(1983) 4 SCC 141 : 1983 SCC (Cri) 798 : (1983) 3 SCR 508] , Sebastian M. Hongray v. Union of India [(1984) 1 SCC 339 : 1984 SCC (Cri) 87 : (1984) 1 SCR 904(I)] , Sebastian M. Hongray v. Union of India [(1984) 3 SCC 82 : 1984 SCC (Cri) 407 : (1984) 3 SCR 544(II)] , Bhim Singh v. State of J & K [1984 Supp SCC 504 : 1985 SCC (Cri) 60] , Bhim Singh v. State of J & K [(1985) 4 SCC 677 : 1986 SCC (Cri) 47] , Saheli : A Women's Resources Centre v. Commissioner of Police, Delhi Police Headquarters [(1990) 1 SCC 422 : 1990 SCC (Cri) 145] and State of Maharashtra v. Ravikant S. Patil [(1991) 2 SCC 373 : 1991 SCC (Cri) 656] the liability of the State of Orissa in the present case to pay the compensation cannot be doubted and was rightly not disputed by the learned Additional Solicitor General. It would, however, be appropriate

to spell out clearly the principle on which the liability of the State arises in such cases for payment of compensation and the distinction between this liability and the liability in private law for payment of compensation in an action on tort. It may be mentioned straightaway that award of compensation in a proceeding under Article 32 by this Court or by the High Court under Article 226 of the Constitution is a remedy available in public law, based on strict liability for contravention of fundamental rights to which the principle of sovereign immunity does not apply, even though it may be available as a defence in private law in an action based on tort. This is a distinction between the two remedies to be borne in mind which also indicates the basis on which compensation is awarded in such proceedings. We shall now refer to the earlier decisions of this Court as well as some other decisions before further discussion of this principle.

Para-34:- The public law proceedings serve a different purpose than the private law proceedings. The relief of monetary compensation, as exemplary damages, in proceedings under Article 32 by this Court or under Article 226 by the High Courts, for established infringement of the indefeasible right guaranteed under Article 21 of the Constitution is a remedy available in public law and is based on the strict liability for contravention of the guaranteed basic and indefeasible rights of the citizen. The purpose of public law is not only to civilize public power but also to assure the citizen that they live under a legal system which aims to protect their interests and preserve their rights. Therefore, when the court moulds the relief by granting “compensation” in proceedings under Article 32 or 226 of the Constitution seeking enforcement or protection of fundamental rights, it does so under the public law by way of penalising the wrongdoer and fixing the liability for the public wrong on the State which has failed in its public duty to protect the fundamental rights of the citizen. The payment of compensation in such cases is not to be understood, as it is generally understood in a civil action for damages under the private law but in the broader sense of providing relief by an order of making ‘monetary amends’ under the public law for

the wrong done due to breach of public duty, of not protecting the fundamental rights of the citizen. The compensation is in the nature of 'exemplary damages' awarded against the wrongdoer for the breach of its public law duty and is independent of the rights available to the aggrieved party to claim compensation under the private law in an action based on tort, through a suit instituted in a court of competent jurisdiction or/and prosecute the offender under the penal law.

Para-35:- This Court and the High Courts, being the protectors of the civil liberties of the citizen, have not only the power and jurisdiction but also an obligation to grant relief in exercise of its jurisdiction under Articles 32 and 226 of the Constitution to the victim or the heir of the victim whose fundamental rights under Article 21 of the Constitution of India are established to have been flagrantly infringed by calling upon the State to repair the damage done by its officers to the fundamental rights of the citizen, notwithstanding the right of the citizen to the remedy by way of a civil suit or criminal proceedings. The State, of course has the right to be indemnified by and take such action as may be available to it against the wrongdoer in accordance with law – through appropriate proceedings. Of course, relief in exercise of the power under Article 32 or 226 would be granted only once it is established that there has been an infringement of the fundamental rights of the citizen and no other form of appropriate redressal by the court in the facts and circumstances of the case, is possible. The decisions of this Court in the line of cases starting with *Rudul Sah v. State of Bihar* [(1983) 4 SCC 141 : 1983 SCC (Cri) 798 : (1983) 3 SCR 508] granted monetary relief to the victims for deprivation of their fundamental rights in proceedings through petitions filed under Article 32 or 226 of the Constitution of India, notwithstanding the rights available under the civil law to the aggrieved party where the courts found that grant of such relief was warranted. It is a sound policy to punish the wrongdoer and it is in that spirit that the courts have moulded the relief by granting compensation to the victims in exercise of their writ jurisdiction. In doing so the courts take into account not only the interest of the applicant and the

respondent but also the interests of the public as a whole with a view to ensure that public bodies or officials do not act unlawfully and do perform their public duties properly particularly where the fundamental right of a citizen under Article 21 is concerned. Law is in the process of development and the process necessitates developing separate public law procedures as also public law principles. It may be necessary to identify the situations to which separate proceedings and principles apply and the courts have to act firmly but with certain amount of circumspection and self-restraint, lest proceedings under Article 32 or 226 are misused as a disguised substitute for civil action in private law. Some of those situations have been identified by this Court in the cases referred to by Brother Verma, J.”

75.It has been held by Hon’ble Supreme Court in the case of Delhi Jal Board vs. National Campaign for Dignity and Rights of Sewerage and Allied Workers and Others reported in (2011) 8 SCC 568 at para-47 as follows:-

“Para-47:- In M.S. Grewal v. Deep Chand Sood [(2001) 8 SCC 151 : 2001 SCC (Cri) 1426] , this Court examined the question whether the High Court of Himachal Pradesh was justified in entertaining the writ petition filed by the parents of 14 children, who died due to drowning in a river when they were on picnic organised by the school authorities. While rejecting the objection to the maintainability of the writ petition, the Court referred to Rudul Sah v. State of Bihar [(1983) 4 SCC 141 : 1983 SCC (Cri) 798] , Nilabati Behera v. State of Orissa [(1993) 2 SCC 746 : 1993 SCC (Cri) 527] and D.K. Basu v. State of W.B. [(1997) 1 SCC 416 : 1997 SCC (Cri) 92] and observed: (M.S. Grewal case [(2001) 8 SCC 151 : 2001 SCC (Cri) 1426] , SCC p. 166, para 26)

“26. Next is the issue ‘maintainability of the writ petition’ before the High Court under Article 226 of the Constitution. The appellants though initially very strongly contended that while the negligence aspect has been dealt with under penal law already, the claim for compensation cannot but be left to be adjudicated by the civil law and thus the civil court’s jurisdiction ought to

have been invoked rather than by way of a writ petition under Article 226 of the Constitution. This plea of non-maintainability of the writ petition though advanced at the initial stage of the submissions but subsequently the same was not pressed and as such we need not detain ourselves on that score, excepting however recording that the law courts exist for the society and they have an obligation to meet the social aspirations of citizens since law courts must also respond to the needs of the people. In this context, reference may be made to two decisions of this Court: the first in line is the decision in *Nilabati Behera v. State of Orissa* [(1993) 2 SCC 746 : 1993 SCC (Cri) 527] wherein this Court relying upon the decision in *Rudul Sah v. State of Bihar* [(1983) 4 SCC 141 : 1983 SCC (Cri) 798] decried the illegality and impropriety in awarding compensation in a proceeding in which the court's power under Articles 32 and 226 of the Constitution stands invoked and thus observed that it was a clear case for award of compensation to the petitioner for custodial death of her son. It is undoubtedly true, however, that in the present context, there is no infringement of the State's obligation, unless of course the State can also be termed to be a joint tortfeasor, but since the case of the parties stands restricted and without imparting any liability on the State, we do not deem it expedient to deal with the issue any further except noting the two decisions of this Court as above and without expression of any opinion in regard thereto."

76. It has been held by Hon'ble Supreme Court in the case of *Sanjay Gupta and Ors. vs. State of Uttar Pradesh* through its Chief Secretary and Ors. reported in (2022) 7 SCC 203 at para-13, 17, 54 and 55 as follows:-

"Para-13:- It was thereafter, the Division Bench of the Delhi High Court in a judgment reported as *Uphaar Tragedy Victims Assn. v. Union of India* [*Uphaar Tragedy Victims Assn. v. Union of India*, 2003 SCC OnLine Del 377] noticed the deviations in the building plans of the theatre. The High Court considered a similar argument as was raised on behalf of the Organisers herein and held as under : (SCC OnLine Del paras 47-49 & 52-53)

"47. Dr Rajeev Dhawan, Senior Advocate, argued on behalf of the respondents that the public law

remedies by way of writ petitions are normally limited to giving directions, providing interim and final injunctive reliefs and quashing decisions which are violative of the fundamental rights or violation of law. He submits that the scope of providing damages in public law is limited to specific situations and circumstances where the State deliberately deprives a person of his personal liberty in cases such as causing death, grievous injury, custodial violence and the like. He submits that the judgments already cited by this Court in its earlier judgment dated 21-2-2000 (sic 29-2-2000 [Uphaar Tragedy Victims Assn. v. Union of India, 2000 SCC OnLine Del 216] ), namely, Sebastian M. Hongray v. Union of India [Sebastian M. Hongray v. Union of India, (1984) 3 SCC 82 : 1984 SCC (Cri) 407] ; Rudul Sah v. State of Bihar [Rudul Sah v. State of Bihar, (1983) 4 SCC 141 : 1983 SCC (Cri) 798] ; Bhim Singh v. State of J&K [Bhim Singh v. State of J&K, (1985) 4 SCC 677 : 1986 SCC (Cri) 47] ; People's Union for Democratic Rights v. State of Bihar [People's Union for Democratic Rights v. State of Bihar, (1987) 1 SCC 265 : 1987 SCC (Cri) 58] ; People's Union for Democratic Rights v. Police Commr. [People's Union for Democratic Rights v. Police Commr., (1989) 4 SCC 730 : 1990 SCC (Cri) 75] ; Saheli v. Commr. of Police [Saheli v. Commr. of Police, (1990) 1 SCC 422 : 1990 SCC (Cri) 145] , Nilabati Behera v. State of Orissa [Nilabati Behera v. State of Orissa, (1993) 2 SCC 746 : 1993 SCC (Cri) 527] , Arvinder Singh Bagga v. State of U.P. [Arvinder Singh Bagga v. State of U.P., (1994) 6 SCC 565 : 1995 SCC (Cri) 29] ; Inder Singh v. State of Punjab [Inder Singh v. State of Punjab, (1995) 3 SCC 702 : 1995 SCC (Cri) 586 : 1995 SCC (L&S) 857] ; Punjab & Haryana High Court Bar Assn. v. State of Punjab [Punjab & Haryana High Court Bar Assn. v. State of Punjab, (1996) 4 SCC 742 : 1996 SCC (Cri) 858] ; Ajab Singh v. State of U.P. [Ajab Singh v. State of U.P., (2000) 3 SCC 521 : 2000 SCC (Cri) 718] related to cases where the State had deliberately deprived a person of his personal liberty or related to cases of causing death, grievous injury, custodial violence, etc. by the public authorities. It is submitted by him that the remedy of damages in public law is not available for each and every transgression of fundamental rights and thus even if there is an error arising out of an arbitrary action or denial of permission which may result in damages of crores or there is a transgression of freedom of religion or any other fundamental right, the remedy of damages is not available. It is

submitted that ultra vires acts by themselves did not give rise to damages and for this he relied upon the judgments of the Supreme Court in *D.K. Basu v. State of W.B.* [*D.K. Basu v. State of W.B.*, (1997) 1 SCC 416 : 1997 SCC (Cri) 92]

48. In *D.K. Basu v. State of W.B.* [*D.K. Basu v. State of W.B.*, (1997) 1 SCC 416 : 1997 SCC (Cri) 92] it was held that the claim in public law for compensation for unconstitutional deprivation of fundamental right to life and liberty, the protection of which is guaranteed under the Constitution, is a claim based on strict liability and is in addition to the claim available in private law for damages for tortious acts of the public servants. Public law proceedings serve a different purpose than the private law proceedings. Award of compensation for established infringement of the indefeasible rights guaranteed under Article 21 of the Constitution is a remedy available in public law since the purpose of public law is not only to civilise public power but also to assure the citizens that they live under a legal system wherein their rights and interests shall be protected and preserved. Grant of compensation in proceedings under Article 32 or Article 226 of the Constitution of India for the established violation of the fundamental rights guaranteed under Article 21, is an exercise of the courts under the public law jurisdiction for penalising the wrongdoer and fixing the liability for the public wrong on the State which failed in the discharge of its public duty to protect the fundamental rights of the citizen. In the assessment of compensation, the emphasis has to be on the compensatory and not on punitive element. The objective is to apply balm to the wounds and not to punish the transgressor or the offender, as awarding appropriate punishment for the offence (irrespective of compensation) must be left to the criminal courts in which the offender is prosecuted, which the State, in law, is duty bound to do. The award of compensation in the public law jurisdiction is also without prejudice to any other action like civil suit for damages which is lawfully available to the victim or the heirs of the deceased victim with respect to the same matter for the tortious act committed by the functionaries of the State. The quantum of compensation will, of course, depend upon the peculiar facts of each case and no straitjacket formula can be evolved in that behalf. The relief to redress the wrong for the established invasion of the fundamental rights of the citizen, under the public law jurisdiction is, thus, in addition to the traditional remedies and not in derogation of

them. The amount of compensation as awarded by the Court and paid by the State to redress the wrong done, may in a given case, be adjusted against any amount which may be awarded to the claimant by way of damages in a civil suit. Dr Dhawan also relied upon the judgment reported as *M.C. Mehta v. Union of India (Shriram-Oleum Gas)* [M.C. Mehta v. Union of India (Shriram-Oleum Gas), (1987) 1 SCC 395 : 1987 SCC (L&S) 37], to contend that to justify the award of compensation, the requirement is that infringement must be gross, patent, incontrovertible and ex facie glaring. It is also his submission that the remedy of damages was an extra ordinary remedy where there was gross violation arising out of deliberate action or malicious action resulting in deprivation of personal liberty. It is submitted that the exemplary damages in public law were not to be confused with damages in private law for which private law remedies were available. The damages available for constitutional wrongs were by very nature exemplary and have a limited meaning and were not intended to be compensatory in nature. In support of his contentions, he refers to the judgments of the Supreme Court in *Nilabati Behera v. State of Orissa* [Nilabati Behera v. State of Orissa, (1993) 2 SCC 746 : 1993 SCC (Cri) 527] and *Indian Council for Enviro-Legal Action v. Union of India* [Indian Council for Enviro-Legal Action v. Union of India, (1996) 3 SCC 212]. In *Nilabati Behera v. State of Orissa* [Nilabati Behera v. State of Orissa, (1993) 2 SCC 746 : 1993 SCC (Cri) 527], it was held by the Supreme Court that it would, however, be appropriate to spell out clearly the principle on which the liability of the State arises in such cases for payment of compensation and the distinction between this liability and the liability in private law for payment of compensation in an action on tort. It may be mentioned straightway that award of compensation in a proceeding under Article 32 by the Supreme Court or by the High Court under Article 226 of the Constitution is a remedy available in public law, based on strict liability for contravention of fundamental rights to which the principle of sovereign immunity does not apply, even though it may be available as a defence in private law in an action based on tort. This is a distinction between the two remedies to be borne in mind which also indicates the basis on which compensation is awarded in such proceedings. We shall now refer to the earlier decisions of this court as well as some other decisions before further discussion of this principle. The compensation is in the nature of

“exemplary damages” awarded against the wrongdoer for the breach to its public law duty and is independent of the rights available to the aggrieved party to claim compensation under the private law in an action based on tort, through a suit instituted in a court of competent jurisdiction or/and prosecute the offender under the penal law.

49. In Indian Council for Enviro-Legal Action v. Union of India [Indian Council for Enviro-Legal Action v. Union of India, (1996) 3 SCC 212], the Supreme Court had held that even if it is assumed that the Court cannot award damages against the respondents in proceedings under Article 32 of the Constitution of India that would not mean that the Court could not direct the Central Government to determine and recover the cost of remedial measures from the respondents. It was held that Section 3 of the Environment (Protection) Act, 1986 expressly empowered the Central Government to make all such measures as it deems necessary or expedient for the purpose of protecting and improving the quality of environment. The right to claim damages was left by institution of suits in appropriate civil courts and it was held that if such suits were filed in forma pauperis, the State of Rajasthan shall not oppose those applications for leave to sue in forma pauperis.

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52. We have given our thoughtful consideration to the arguments advanced by Dr Rajeev Dhawan that public law remedies by way of writ petition are normally limited to giving directions, providing interim and final injunctive reliefs and quashing decisions which are violative of the fundamental rights or violation of law and that the remedy of damages in public law is not available for each and every transgression of fundamental rights nor ultra vires acts by themselves give rise to damages and that where the disputed questions of fact involved, the party should be left to the normal course of getting the matter decided by a civil court but we have not been able to make ourselves agreeable with Dr Rajeev Dhawan. We have already held in our judgment dated 29-2-2000 [Uphaar Tragedy Victims Assn. v. Union of India, 2000 SCC OnLine Del 216] that the petition for claiming damages in public law by filing a petition under Article 226 of the Constitution of India was maintainable. We have also already held that it was not a matter in which highly disputed questions of fact arose and it appears to be a matter in which facts could be ascertained very easily. The earlier observations of

the Court, in our view, are relevant to quote at this stage as under:

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53. It is in view of these observations that we have to examine as to how the fire was caused and what is the complicity of the parties in the same. Besides examining the causation of fire, this Court is also required to go into the question as to whether a party even if not responsible for causation of fire was still responsible for spreading the smoke so as to make it liable for compensation. This Court is also to examine, if it is ultimately held as to how the fire was caused, who was responsible for the same and who was responsible for spread of smoke to the upper floors and what were the deviations in the building, seating arrangement including provision of gangways and exit doors, etc. what were the defects in installation and maintenance of the transformer and how all this has contributed to the spreading of smoke and fire in the building and how the compensation, if any, is to be apportioned amongst the parties to this petition.” ..... (emphasis supplied)

Para-17:- The second category of cases is where compensation has been awarded against a corporate entity which is engaged in an activity having the potential to affect the life and health of people such as M.C. Mehta [M.C. Mehta v. Union of India (Shriram-Oleum Gas), (1987) 1 SCC 395 : 1987 SCC (L&S) 37] wherein the Court held as under : (SCC p. 421, para 31)

“31. ... We would therefore hold that where in enterprise is engaged in a hazardous or inherently dangerous activity and harm results to anyone on account of an accident in the operation of such hazardous or inherently dangerous activity resulting, for example, in escape of toxic gas the enterprise is strictly and absolutely liable to compensate all those who are affected by the accident and such liability is not subject to any of the exceptions which operate vis-à-vis the tortious principle of strict liability under the rule in Rylands v. Fletcher [Rylands v. Fletcher, (1868) LR 3 HL 330 : 19 LT 220] .”

Para-54:- In Shyam Sunder v. State of Rajasthan [Shyam Sunder v. State of Rajasthan, (1974) 1 SCC 690] , this Court observed that the maxim res ipsa loquitur is resorted to when an accident is shown to have occurred and the cause of the accident is primarily within the knowledge of the

defendant. The mere fact that the cause of the accident is unknown does not prevent the plaintiff from recovering the damages, if proper inference to be drawn from the circumstances which are known is that it was caused by the negligence of the defendant. It was observed as thus : (SCC pp. 693-94, paras 9-11)

“9. The main point for consideration in this appeal is, whether the fact that the truck caught fire is evidence of negligence on the part of the driver in the course of his employment. The maxim *res ipsa loquitur* is resorted to when an accident is shown to have occurred and the cause of the accident is primarily within the knowledge of the defendant. The mere fact that the cause of the accident is unknown does not prevent the plaintiff from recovering the damages, if the proper inference to be drawn from the circumstances which are known is that it was caused by the negligence of the defendant. The fact of the accident may, sometimes, constitute evidence of negligence and then the maxim *res ipsa loquitur* applies.

10. The maxim is stated in its classic form by Erle, C.J. : [Scott v. London & St. Katherine Docks, (1865) 3 H&C 596, 601]

‘... where the thing is shown to be under the management of the defendant or his servants, and the accident is such as in the ordinary course of things does not happen if those who have the management use proper care, it affords reasonable evidence, in the absence of explanation by the defendants, that the accident arose from want of care.’

The maxim does not embody any rule of substantive law nor a rule of evidence. It is perhaps not a rule of any kind but simply the caption to an argument on the evidence. Lord Shaw remarked that if the phrase had not been in Latin, nobody would have called it a principle [Ballard v. North British Railway Co., 1923 Sessions Cases (HL) 43] . The maxim is only a convenient label to apply to a set of circumstances in which the plaintiff proves a case so as to call for a rebuttal from the defendant, without having to allege and prove any specific act or omission on the part of the defendant. The

principal function of the maxim is to prevent injustice which would result if a plaintiff were invariably compelled to prove the precise cause of the accident and the defendant responsible for it even when the facts bearing on these matters are at the outset unknown to him and often within the knowledge of the defendant. But though the parties' relative access to evidence is an influential factor, it is not controlling. Thus, the fact that the defendant is as much at a loss to explain the accident or himself died in it, does not preclude an adverse inference against him, if the odds otherwise point to his negligence (see John G. Fleming, *The Law of Torts*, 4th Edn., p. 264). The mere happening of the accident may be more consistent with the negligence on the part of the defendant than with other causes. The maxim is based on commonsense and its purpose is to do justice when the facts bearing on causation and on the care exercised by defendant are at the outset unknown to the plaintiff and are or ought to be within the knowledge of the defendant (see *Barkway v. South Wales Transport Co. Ltd.* [*Barkway v. South Wales Transport Co. Ltd.*, 1950 AC 185 : (1950) 1 All ER 392, 399 (HL)]).

11. The plaintiff merely proves a result, not any particular act or omission producing the result. If the result, in the circumstances in which he proves it, makes it more probable than not that it was caused by the negligence of the defendants, the doctrine of *res ipsa loquitur* is said to apply, and the plaintiff will be entitled to succeed unless the defendant by evidence rebuts that probability.”

Para-55:- Further, this Court in *Pushpabai Purshottam Udeshi v. Ranjit Ginning & Pressing Co. (P) Ltd.* [*Pushpabai Purshottam Udeshi v. Ranjit Ginning & Pressing Co. (P) Ltd.*, (1977) 2 SCC 745] held that where the plaintiff can prove the accident but cannot prove how it happened to establish negligence on the part of the defendant, such hardship is sought to be avoided by applying the principle of *res ipsa loquitur*. It was observed thus : (SCC pp. 750-51, para 6)

“6. The normal rule is that it is for the plaintiff to prove negligence but as in some

cases considerable hardship is caused to the plaintiff as the true cause of the accident is not known to him but is solely within the knowledge of the defendant who caused it, the plaintiff can prove the accident but cannot prove how it happened to establish negligence on the part of the defendant. This hardship is sought to be avoided by applying the principle of *res ipsa loquitur*. The general purport of the words *res ipsa loquitur* is that the accident “speaks for itself” or tells its own story. There are cases in which the accident speaks for itself so that it is sufficient for the plaintiff to prove the accident and nothing more. It will then be for the defendant to establish that the accident happened due to some other cause than his own negligence. Salmond on the Law of Torts (15th Edn.) at p. 306 states:

‘The maxim *res ipsa loquitur* applies whenever it is so improbable that such an accident would have happened without the negligence of the defendant that a reasonable jury could find without further evidence that it was so caused.’

In Halsbury's Laws of England, 3rd Edn., Vol. 28, at p. 77, para 79 the position is stated thus:

‘79. Inference of defendant's negligence.— An exception to the general rule that the burden of proof of the alleged negligence is in the first instance on the plaintiff occurs wherever the facts already established are such that the proper and natural inference arising from them is that the injury complained of was caused by the defendant's negligence, or where the event charged as negligence “tells its own story” of negligence on the part of the defendant, the story so told being clear and unambiguous.’

Where the maxim is applied the burden is on the defendant to show either that in fact he was not negligent or that the accident might more probably have happened in a manner which did not connote negligence on his part.”

77. The BIT MESRA College Administration cannot shirk its responsibility by blaming the clash between two groups of

students and the public inside campus because on account of their mismanagement these things happened and they have failed to run the administration of the College smoothly.

78. The Hon'ble Supreme Court in the case of Amit Kumar and others vs. Union of India and others reported in 2025 SCC OnLine SC 631 has constituted National Task Force to address the mental health concerns of students and prevent the commission of suicide in Higher Educational Institutions and Task Force is constituted of Justice S. Rabindra Bhatt, Former Judge, Supreme Court of India as the Chairperson and several other and nine (09) other members including Doctors and Professors. The Hon'ble Supreme Court also nominated Ex-officio members of the Task Force:

- (i) Secretary, Department of Higher Education,  
Ministry of Education, Government of India;
- (ii) Secretary, Department of Social Justice &  
Empowerment, Ministry of Social Justice &  
Empowerment, Government of India;
- (iii) Secretary, Ministry of Women and Child  
Development, Government of India;
- (iv) Secretary, Department of Legal Affairs, Ministry  
of Law and Justice, Government of India.

The Hon'ble Supreme Court has given several other directions also and has called for report from the Task Force also and the matter is pending before Hon'ble Supreme Court and the case has been fixed before the Hon'ble Supreme Court on 25.08.2025.

79. This Court is aware of the fact that the College/University is a place of great learning and they provide a very wide

platform to their students in their career and providing with employment but at the same time, they have to protect the life of the students, which is fundamental right under Article 21 of the Constitution of India.

80. The death of the student is not only cause loss of love and affections for the parents for their whole life but they are also deprived of their future and old age protection when they need the most.

81. The College Authority being Protector/Guardian of the each student failed to discharge its responsibility and duties in the time of need.

A time has come now that the Court has to pass order in the light of the plight of the victim family.

This Court is also conscious of limitations also while directing for payment of any compensation amount but this Court has taken notice of the facts that each and every year many students commit suicide and die due to ragging/internal politics also between Teacher and Student and despite issuance of guideline of U.G.C, Central Court and the judgments of the Hon'ble Supreme Court, the Administration/ College Authorities are yet to wake up/awoke and no liability has been affirmed or fastened to them despite their negligence and lapses.

The case in hand, is gross example of indiscipline and negligence and poor administration.

Had the College Authority acted properly and would have taken at least minimum effect of admitting the student, deceased Raja Paswan in any Government/Private Hospital, this Court would not have passed order for grant of compensation but their casual approach to shirk their responsibilities, has compelled

this Court to pass against for compensation against them to remind them of their duties and responsibilities to take action with positive mindset and for their acts of tortious liabilities and vicarious liabilities.

82. Considering all this, this Court is of the view that certain compensation must be imposed upon BIT MESRA College Administration for the following reasons:-

- (i) They have failed to maintain the required discipline leading to 1<sup>st</sup> brutal assault in the campus despite presence of College Authorities and CCTV Camera were found inactive and which shows their negligence. Had these CCTV properly working the cause of action could be stopped.
- (ii) They failed to restrain the movement of their College students in the night hour after around 8.30 p.m to 9.00 p.m when the alleged Raja went outside after scaling the boundary wall of the BIT MESRA Polytechnic College which was said to be too low to be scaled by the witnesses namely, Somnath Deogharia, Gouri Shankar Giri, Prabaht Ranjan Mahto (Assistant Warden of Hostel No.2), Rajendra Mahto (Assistant Warden of Hostel No.1), Anuj Kumar (student), Sumit Mahto (student) and Deep Raj Shekhar (student) (para-7, 8, 18, 19, 21, 22 and 23 of the case diary) one of them had called Raja Paswan by assaulting outside and even in presence of so many Security Ppersonnels they failed to control the unruly mob of 10-15 people and which amounts to serious lapses on the part of College Administration.

(iii) College Administration gave wrong information to the parents/family members of deceased student that the deceased student Raja Paswan had consumed Alcohol in large quantities.

(iv) Instead of giving proper treatment in the College Dispensary, getting him admitted to a good Government/Private Hospital, they misrepresented and distorted the fact of consuming Alcohol by the deceased student and as such the parents took him to their residence and this shows/reflects the inhuman approach of College Administration and who have taken the life of the students lightly. They cannot play with the life of the student.

83. This Court is aware of its limitations in granting compensation to the informant while hearing the bail application of the amount appellants but yet it is inclined to pass out.

This Court is of the view to pass order for interim compensation of Rs.20,00,000/- (Rs. Twenty Lakhs) at this stage, even if the informant has not approached before this Court despite service of notice upon him, only in order to remind the college BIT MESRA College Administration of their concern duty to act as the Guardian or Welfare Guardian even if the guardian of the students are sleeping in the night but they have to awake and remain vigilant even if the students are sleeping.

84. This amount of compensation of Rs.20,00,000/- (Rs. Twenty Lakhs) to the parents of deceased will be apart the compensation which they may claim in future, if any, from any

College Authorities and the State Administration, in accordance with law.

Neither the College Authorities have disclosed as to which Doctor had treated and referred the deceased Raja Paswan to RIMS, nor the police has taken the statement of any Doctor in the Medical Clinic of BIT MESRA, who had treated the deceased Raja Paswan in dispensary of BIT MESRA.

Thus, this Court finds that the assertion of College Administration that the deceased was treated by the Doctor in Medical Clinic at BIT MESRA does not appears to be convincing.

85.The learned Court below is directed that the I.O of this case should not divert the investigation to a wrong conclusion, as it appears that the I.O of this case has written in para-141 of the case diary that no evidence is found against the remaining persons namely, (i) Ekramul Ansari, (ii) Sehran Hussain (iii) Sahil Ansari (iv) Jabir Ansari (v) Sahbaj Anari (vi) Rijwan Ansari (vii) Raja Ansari (viii) Sami Ansari (ix) Sahir Ansari (x) Danish Anari (xi) Abdul Rakib (xii) Sohail Anari and hence, this Court directs the Director General of Police, Jharkhand and the Police Administration of the District of Ranchi to ensure proper and fair investigation in this case and the Police Authorities should not shield the real culprit, if they have participated in such incident taking place on 14.11.2024 when the deceased Raja Paswan was brutally assaulted by the group of people, whose names has been taken by the i.e. appellant-Sahil Ansari [in Cr. Appeal (SJ) No.198 of 2025] and the appellant-Irfan Ansari [in Cr. Appeal (SJ) No.269 of 2025] in their confessional statement recorded at para-82 and 87 of the case diary.

86.It is surprising that the Authorities of BIT MESRA University

have not erected its full boundary wall despite several high dignitaries visit there and they are well known to the State Administration in the entire State of Jharkhand. It will be desirable that the State Authorities including the Police Administration should consider the need of the College campus of the BIT MESRA University in erecting its boundary wall, as it would be allow the outsiders to enter from any corner of the College then the students residing in the Hostels during night hours and even during the College hours are exposed to both the external and internal dangers to their life. Hence, the State Authorities may keep this fact for consideration.

87. Article 21 is the Right to Live is a fundamental right guaranteed under the Constitution of India and this right to live cannot be taken away by the negligence and administrative failure of the concerned College Authorities or State Authorities concerned and there should not be any gap or casual approach.

88. Hence, in view of the hardships of the parents and cold response of Management as well as State Authorities, this Court is of the view that the following guidelines may be necessary in the interest of justice for the whole State of Jharkhand and some of them are guidelines which may be adopted by the Government College Authorities as well as Private College Authorities with the support of local administration and State authorities of the State of Jharkhand, as follows:-

- (i) All the institutions shall maintain list of Hospitals and they are tie up with good Private hospitals as well as Government Hospitals for treatment in emergency with

respect to any candidate/student in the whole State of Jharkhand with having Ambulance facilities to be taken from College to Hospital or from Hospital to College for too and from movement.

- (ii) There must be a Medical Dispensary/Clinic in all the schools/Colleges with one male doctor and one female doctor having capacity of up to 500 to 1000 students in Hostel in case of need an emergency with medicine kits and lifesaving necessary medicines.
- (iii) All the Engineering Institutions and Technical Institutions must have at least two male doctors and two female doctors with sufficient numbers of nurses and para medical staffs to support them and having proper medical clinics with first aid medicines and medicinal kits which may have capacity of Boarding students/Hostels having capacity of 1000 to 3000. The name of doctors and their mobile numbers and the name of hospitals must be displayed by the concerned Colleges at their notice board of all the class rooms or at any appropriate places in the campus of Colleges.
- (iv) Necessary security including private personnels must be maintained by all the College institutes in their premises so that no anti-social elements may come inside the College particularly in Government Colleges.
- (v) All the Colleges must have CCTV Camera inside and outside the class rooms and at the main door of hostels to catch the image of students who are indulged in wrong practices of ragging, assaulting the students.
- (vi) All the Colleges must have CCTV in sufficient numbers outside the College campus so that they may watch the entry and exit of person outside the campus, if they have apprehension of any anti-social elements and for the purpose of security also, as to whether some person is regularly watching the College or mob and also they should

watch the students.

- (vii) All the Colleges should have grievance cell and a team of Monitor students to maintain the coordination between the needy students and the College Administration and all students must be aware of the name of Monitor and the Nodal Officer for redressal of their grievances.
- (viii) All the Colleges/institutes must create a website or portal for redressal of grievances of the students as well as parents, in case the student is not able to approach the Vice-Chancellor/Registrar and which should be monitor by the staff of Vice Chancellor and Registrar of the Universities/Colleges.
- (ix) The Colleges must maintain the security system for movement of the students by preparing the necessary SOP as per own wisdom but for the safety of the students without causing them undue hardship to enforce the discipline.

89. Therefore, this Court directs the Principal Secretary, Higher Technical Education, Govt. of Jharkhand and Director General of Police, Govt. of Jharkhand to prepare a comprehensive SOP for the entire Engineering and Medical Colleges and all the Technical Institutes imparting Graduate Degree and Post-Graduate Degree and Diploma to the students to prepare SOP by keeping medical dispensaries/medical hospital in the College premises near the hostel so that they may be able to get the timely treatment in case of emergency or need of an hour or for any other medical exigency or requirement. Apart from this, they should also prepare SOP for the entire Technical Institutes, Medical, Engineering and Technical Institutes, MBA Colleges imparting education, having hostel facilities of boys of more than one thousand in number and also

impress upon the Deemed Universities like BIT MESRA and other deemed Universities or the Colleges to have tie-up with the local administration and the reputed Government Hospitals as well as private Hospitals in the State or the concerned Districts where such Colleges are situated and running. The College authorities should also frame guideline of the UGC by preventing anti-ragging or any kind of ragging in the entire State and should follow the UGC guideline of the year, 2009 and also the judgment of Hon'ble Supreme Court of India reported in the case of Amit Kumar and others vs. Union of India and others reported in 2025 SCC OnLine SC 631.

90. This direction is issued for implementing the direction of this Court to whole State of Jharkhand. Let a copy of this order be sent to the Chief Secretary, Government of Jharkhand, Principal Secretary, Higher Technical Education, Govt. of Jharkhand, Principal Secretary, Secondary Education and Director General of Police, Govt. of Jharkhand for the needful and who may communicate the same to all the Deputy Commissioners and the Senior Superintendent of Police/Superintendent of Police of the district concerned.

91. Thus, all the above appeals i.e. Cr. Appeal (SJ) No. 149 of 2025, Cr. Appeal (SJ) No.198 of 2025, Cr. Appeal (SJ) No.269 of 2025 and Cr. Appeal (SJ) No.364 of 2025 are, hereby, dismissed with the observations and directions as mentioned above.

(Sanjay Prasad, J.)

Saket/-

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