

IN THE HIGH COURT OF JHARKHAND AT RANCHI**Cr. Appeal (SJ) No. 871 of 2025**

Nipun Tirkey, aged about 17 years, Son of Kishun Tirki and petitioner is represented through his mother Anita Devi, R/o Village Tigra (Gariya Toli), P.O. Guru, P.S.- Ratu, District-Ranchi.

..... Appellant

Versus

1. The State of Jharkhand

2. Chandan Paswan, S/o Late Chandeshwar Paswan, resident of Siyon Nagar, Khorha Toli, Near Don Bosco School, I.T.I Gali, Khorha Toli, Ranchi, P.O- Kokar, P.S-Sadar, District-Ranchi, Jharkhand.

3. B.I.T. MESRA through Registrar, P.O. & P.S. B.I.T Meshra (Sadar), Ranchi. Respondents

CORAM: HON'BLE MR. JUSTICE SANJAY PRASAD

 For the Appellant : Mr. Navin Kumar, Advocate

For the State : Mr. Rajesh Kumar, APP

For the Resp. No.2 : Mr. Sanjay Kr. Thakur, Advocate

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

CAV on: 30th January 2026 Delivered on: 19.02.2026

This Criminal Appeal has been filed on the behalf of the appellant challenging the order dated 11.09.2025 passed in Misc. Cr. App. No. 1799 of 2025, arising out of Children Case No.14 of 2025 (corresponding to Sadar (Mesra O.P.) P.S. Case No. 495 of 2024) by Sri Birendra Kumar Srivastava, learned Additional Judicial Commissioner-IV-Cum-Special Judge POCSO, Ranchi instituted under Section 103/3(5) of BNS Act and under Section 3(1)(r)(s) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act [hereinafter to be referred as S.C./S.T. Act by which the prayer for bail of the appellant has been rejected.

2. 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 3rd 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.

3. Heard Mr. Navin Kumar, learned Counsel for the Appellant, Mr. Rajesh Kumar, learned APP for the State, Mr. Sanjay Kr. Thakur, learned counsel for the Respondent No.2 and Mr. Srijit Choudhary, learned counsel for the Respondent No.3- B.I.T MESRA.

4. Learned counsel for the appellant has submitted that the appellant is innocent and has committed no offence and has been falsely implicated in this case. It is submitted that there is not

named in the FIR and no any specific allegation is attributed against the appellant. It is submitted that no incriminating article has been recovered from the possession of the appellant. It is submitted that the appellant has not himself given confessional statement to the police however the police had forcefully got his false confession recorded which has no evidentiary value. It is submitted that the appellant is also a member of Scheduled Tribe and hence no case under provision of SC/ST Act is made out against the appellant and social investigation report is not against the appellant. It is further submitted that the appellant has no criminal antecedent.

5. Learned counsel for the appellanthas further submitted that there is no public view of the abuse against the appellant in the instant case. It is submitted that the informant in his written report had not stated any over-act against appellant. It is submitted that there is no reason of alleged occurrence and the informant hascreated false story and lodged FIR against the appellant without any fault. It is submitted that the appellant is a permanent resident of area and has own hearth and house and there is no chance of his absconding or tampering with the evidence if he is released on bail. It is submitted that the appellant is only member of his family and only source of his livelihood is farming. It is submitted that the appellant is in custody since 23.11.2024 and hence he may be enlarged on bail.

6. Learned counsel for the State has opposed the prayer for bail and submitted that there is no merit in this Appeal. It is submitted that bail of co-accused persons namely, Mausam Kumar Singh, Sahil Ansari, Irfan Ansari and Abhishek Kumar have already been rejected by this Court vide order dated 12.08.2025 passed in 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 and the case of appellant stands on the same and similar footing. It is submitted that from perusal of the case diary Para-2 of case diary which is re-Statement of the informant, it is clear that he has supported the allegations and other witnesses namely, Sobhnath Dev, Gauri Shankar Giri, Prabhat Ranjan Mahto, Rajendra Mahto, Anuj Mahto, Sumit Mahto, Deepraj Shekhar, Sandeep Verma, Rajiv Kumar, Ayush Pritam, Yuraj Kumar, Jitesh Karmali, Victim Girl 'X' and Raja Soni respectively whose statements have been recorded at Para-7, 8, 18, 19, 21, 22,23, 34 to 38, 50 & 52 of the case diary have fully supported the case of prosecution. It is submitted that from perusal of the case diary Para-77 it is clear that during his confessional statement, the appellant has confessed his guilt. It is submitted that from perusal of the case diary Para- 84 and 89, based on disclosure of the co-accused persons, belts used for hitting the deceased had been recovered and seizure is based on their confession. It is submitted that Para-117 of the case diary refers Post-mortem report of the deceased, cause of death is shown due to combined effect of head injury and asphyxia as a result of pressure over neck and chest and their complications. It is submitted that after investigation the case, police had submitted a charge sheet against the appellant. It is submitted that the appellant along with other co-accused were abusing the deceased Raja Paswan in the name of caste and also brutally assaulted the son of the informant and due to which, the son of the informant died. There were marks of hitting with lathi, Danda and belt, on the body of the deceased and hence the prayer for bail of the appellant may be rejected.

7. It has been informed by Mr. Srijit Choudhary, learned counsel for the B.I.T MESRA that B.I.T. MESRA has gone

before the Hon'ble Supreme Court in challenging the order dated 12.08.2025 passed in 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 by this Court on the point of payment of compensation of Rs.20,00,000/- (Rupees Twenty Lakhs) to the Informant and his family members from the College/University of the B.I.T. MESRA and the matter is pending before the Hon'ble Supreme Court.

Learned counsel for the B.I.T. MESRA has also submitted that he has to say nothing on merit and necessary order may be passed.

8. On the other hand, learned counsel for the informant, after adopting the submission of learned APP, has submitted that the appellant is also one of the accused who had assaulted his son namely, Raja Paswan. It is submitted that the deceased was brutally assaulted by the co-accused persons and this appellant due to which he died. It is submitted that till date, no compensation has been paid to the Informant by the B.I.T MESRA. It is submitted that the deceased namely, Raja Paswan was only son of the Informant and now the Informant is residing with his daughter who is also studying and due to act of the appellant, he has lost sole son and hence the prayer for bail of the appellant may be rejected.

9. Perused the FIR and case diary and considered the submission of the learned counsel for the parties.

10. It transpires that bail of co-accused persons namely, Mausam Kumar Singh, Sahil Ansari, Irfan Ansari and Abhishek Kumar has been rejected by this Court vide order dated 12.08.2025 passed in 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.

11. 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 3rd Semester, informed him to arrive immediately at the College as some students were abusing him in the name of 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 got 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 students 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.

12. It appears that though appellant is not named in the FIR, however, during Police investigation his name came to surface and he was remanded before the learned Court below on 23.11.2024 by the Sub-Inspector, MESRA O.P, Ranchi.

13. It appears that name of the appellant 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

3rd Semester) and Deep Raj Shekhar, whose statements have been made in para-19, 21, 22 and 23 of the case diary.

14. 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 3rd Semester was taking her photographs with one another student Rajiv then suddenly theco-accused-Mausam Kumar Singh student of 5thSemester saw them taking photograph and he started assaulting Rajiv and forbade him from taking photo with the said girl student 'X' (name not disclosed) as she is his Lover and he started assaulting Rajiv then there was scuffle between Rajiv and co-accused namely, Mausam Kumar Singh 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 co-accused namely, Mausam Kumar Singh alsotaunted upon the deceased Raja Paswan and there was quarrel between deceased Raja Paswan and co-accused namely, Mausam Kumar Singh and then Nipun Tirkey (i.e. the appellant), Rajkumar Seth, Yogesh Kumar, another co-accused-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 and then one Raja Soni, who was roommate of Raja Paswan, handed over his jacket to deceased Raja Paswan and all of them were going to hostel. However, 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 CollegeCampus 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 CollegeAdministration and while the matter was being enquired from the students of 3rd 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 CollegeManagement informed the family members of deceased Raja Paswan that Raja Paswan had 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.

15. From perusal of statement of witness namely, Somnath Deogharia, Mess Supervisor at BIT MESRA Polytechnic College (para-7 of the case diary), 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.

16. 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 (i.e. the appellant) 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 Kumar and Sumit Kumar Mahto were brutally assaulted by the co-accused-Sahil Ansari and the co-accused-Irfan Ansari 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.

17. Thus, from perusal of statement of Somnath Deogharia and Prabhat Ranjan Mahto, 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 co-accused persons namely Mausam Kumar Singh and co-accused Abhishek Kumar and subsequently they also concealed the brutal assault caused by co-accused-Sahil Ansari and co-accused Irfan Ansari 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 had not disclosed the name of any doctor for treating him at medical dispensary of BIT MESRA, Main Campus.

18. 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 3rd Semester of Computer Science Branch was getting her photograph with one Rajiv then suddenly Mausam Kumar, student of 5th Semester arrived there and started abusing Rajiv by claiming that student 'X' (name not being disclosed) as is his lover and why he is snapping photograph with her. Then co-accused Mausam Kumar Singh 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 said Mausam Kumar Singh claimed to assault him and he also started assaulting him and then Nipun Tirkey (i.e. the appellant) and co-accused persons Rajkumar Seth, Yogesh Kumar, Abhishek Kumar, who were friends of co-accused Mausam Kumar Singh 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 roommate 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 co-accused-Sahil Ansari who was pass out student of the College and he forbade him from assaulting them and then co-accused 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 3rd 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.

19. 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 as stated by Prabhat Ranjan Mahto by taking the name of the co-accused persons namely Mausam Kumar Singh, Abhishek Kumar and Sahil Ansari.

20. 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 co-accused-Mausam Kumar Singh and Abhishek Kumar and subsequently they also concealed the brutally assault sustained by co-accused-Sahil Ansari and the co-accused Irfan Ansari 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.

21. 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, 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 5th 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 co-accused Sahil Ansari 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 3rd 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.

22. Therefore, it is clear from the statements 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.

23. 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 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).

24. 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 3rd 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 reveal that BIT MESRA had concealed the fact of first brutal assault and second brutal assault meted out to the deceased Raja Paswan by the co-accused persons namely Mausam Kumar Singh and

Abhishek Kumar at the first instance and subsequently by the co-accused namely, Sahil Ansari and Irfan Ansari in the second brutal assault along with 10-15 boys in number.

25. From perusal of statement of witnesses namely, student 'X' (student of 3rd Semester of C.S. Branch), Raja Soni (student of 3rd 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 co-accused namely, Mausam Kumar Singh 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 3rd 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.

26. Para-73 and para-76 are the confessional statements of the co-accused namely, Mausam Kumar Singh and co-accused-namely, Abhishek Kumar recorded on 22.11.2024. The co-accused namely, 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 co-accused 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-(the appellant herein) 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 appellant Nipun Tirkey who is also alleged to have assaulted deceased Raja Paswan along with co-accused namely, Mausam Kumar.

27. 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

1. The above noted injuries are ante-mortem in nature.
2. Ligature mark is caused by ligature material.
3. Abrasions and contusions are caused by hard and blunt object (s).
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.

5. Time elapsed since death is 18 hours to 36 hours from the time of post-mortem examination.
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.
7. Videography done by the inquest authority and the video CD/cassette is in the possession of the same.

28. Thus, from going through the evidence of the witnesses namely, Somnath Deoghar, 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 co-accused persons namely, Mausam Kumar Singh, Abhishek Kumar, Sahil Ansari and Irfan Ansari.

29. 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 succumbed to the injuries 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.

30. It appears from the case diary that the appellant namely, Nipun Tirkey alongwith co-accused Mausam Kumar Singh, Raj Kumar Seth, Yogesh Kumar, Abhishek Kumar and the appellant was involved in the first occurrence for assaulting the deceased- Raja Paswan by legs, shoe and belt and due to which the deceased- Raja Paswan son of the Informant was injured and the shirt was torn.

31. It further appears that thereafter deceased- Raja Paswan had received a call on his mobile phone from one of his friend and then he went outside the campus of B.I.T MESRA by scaling the wall and then he was assaulted by (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 thereafter the death was taken place.

32. It appears that the appellant is in custody since 23.11.2024 i.e. more than One (01) Year and Three (03) Months.

33. This Court has rejected the bail of the co-accused Mausam Kumar Singh and Abhishek Kumar who had earlier filed Cr.

Appeal (SJ) No. 149 of 2025 and Cr. Appeal (SJ) No. 364 of 2025 vide order dated 12.08.2025 with the observation 'at this stage'.

34. However, the bail of the other co-accused Sahil Ansari and Irfan Ansari, who had filed Cr. Appeal (SJ) No. 198 of 2025 and Cr. Appeal (SJ) No. 269 of 2025 vide order dated 12.08.2025, were rejected on merit without giving any observation.

35. This Court had further directed the Authorities of BIT MESRA University, Ranchi to pay the compensation of Rs.20,00,000/- (Rupees Twenty Lakhs) to the Informant by way of interim compensation.

36. This Court had further directed for framing guidelines for maintaining the Colleges/Schools with regard to the Medical Facilities and Security of the Students including girl students in Paragraph-88 and 89 of its order dated 12.08.2025 passed in Cr. Appeal (SJ) No. 149 of 2025, Cr. Appeal (SJ) No. 364 of 2025, Cr. Appeal (SJ) No. 198 of 2025 and Cr. Appeal (SJ) No. 269 of 2025.

37. Considering the custody of the appellant and the facts and in the circumstances of this case, the appellant namely, Nipun Tirkey is directed to be released on bail, on furnishing bail bonds of Rs.15,000/- (Rs. Fifteen Thousand) with two sureties of the like amount each, to the satisfaction of learned Additional Judicial Commissioner-IV-cum-Spl.-cum-Special Judge POCSO, Ranchi in connection with Children Case No.14/2025, Sadar (Mesra O.P.) P.S. Case No.495 of 2024, subject to the condition that one of the bailors must be the own relative of the appellant and also subject to the condition that one of the bailors must be having landed property in his/her own specific name and also subject to the condition that the appellant will deposit

the passport, if any and shall not leave the country without prior permission of the learned Court below and his bailors shall submit their respective Aadhar Cards and their Mobile Numbers before the learned Trial Court below and they shall not change their Mobile Numbers till the conclusion of trial.

38. However, this Court is not satisfied with the approach of the State Administration as well as District Administration and till date the Director General of Police, State of Jharkhand has only submitted the draft copy of SOP on 29.01.2026 by filing the affidavit to be followed for the security of the College Campus. The State has also not produced any SOP prepared by the Education Department for maintaining law and order in the College Campus including B.I.T. MESRA.

39. Accordingly, this Court directs the State Authorities including District Administration i.e. Deputy Commissioner, Ranchi, Senior Superintendent of Police, Ranchi to pay Rs. 5,00,000/- (Rupees Five Lakhs) by way of interim compensation to the Informant and his wife for the present.

40. This Court has already passed the order for grant of compensation of Rs.20,00,000/- (Rupees Twenty Lakhs) to the Informant from B.I.T. MESRA and hence this compensation will be in addition to the parents of the deceased in the light of the order dated 12.08.2025 passed in Cr. Appeal (SJ) No. 149 of 2025 and others analogous cases by which the compensation Rs.20,00,000/- has been directed to be paid to the parents of the deceased the Authorities of the B.I.T. MESRA.

41. Thus, Cr. Appeal (S.J) No. 871 of 2025 is allowed with the direction mentioned above.

(Sanjay Prasad, J.)