

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48338 of 2014

Arising Out of PS.Case No. -34 Year- 2014 Thana -BEUR District- PATNA

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Ravi Shankar Kumar, S/o Late Bahadur Mahto, Resident of Mohalla- IOC
Gate No. 1, P.S.-Beur, District Patna.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Suraj Narain Yadav, Adv.

For the Opposite Party/s : Mr. U.S.P.Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

3 25-03-2015 Heard learned counsel for the petitioner as well as

learned A.P.P. for the State.

Petitioner revolted over continuing illicit relationship in

between deceased with his mother and on account thereof,

informant, brother of deceased who admittedly is not an eye

witness, had disclosed, the petitioner to be sole assailant of his

brother Indrajit Kumar.

It has been submitted on behalf of petitioner that

whatever allegation happens to be, was not a premeditated one

rather the petitioner, only to save his life as the deceased had

pounced upon him and was adamant to kill him by pressing his

neck on account of revolt having at his end, inflicted the blow.

Thus, it is not an offence to be proceeded with in terms of Section

302 of the Indian Penal Code. Furthermore, it has been submitted that widow mother, two sisters and a brother is there, who are being cared and looked after by the petitioner. In the aforesaid background, petitioner be released on bail.

At the other end, the learned A.P.P. opposes the prayer and submitted that petitioner is the sole assailant which, from para 11 of the case diary containing statement of his mother is apparent. So far plea of petitioner is concerned, it is evident from the statement of mother itself that petitioner was aggrieved since long and on account thereof had scolded the deceased at previous occasion also. Even on fateful day, an altercation took place whereupon deceased had chased the petitioner and further they both indulged in grappling and during course thereof, petitioner took out knife from tank lorry and pierced which ultimately proved fatal. Petitioner was apprehended at the spot by the local inhabitants and was produced before the police. He had also made his extra judicial confessional statement recorded under para 16 wherein he had admitted the continuing illicit relationship in between his mother with the deceased. He had further admitted that he had inflicted knife blow over deceased after coming out from his grip as he was pressing his neck. Furthermore, neither any injury was apparent over his person, nor the deceased was

armed with any weapon. Therefore, cause of petitioner is non-entertainable.

Taking into account the allegation, I do not find it a fit case for bail, accordingly, the prayer for bail is rejected.

(Aditya Kumar Trivedi, J.)

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