

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78863 of 2019

Arising Out of PS. Case No.-91 Year-2019 Thana- PHULWARIA District- Gopalganj

BHIM SINGH S/o Bihari Singh @ Bihari Sah @ Biharilal Singh R/o village-
Jataha, P.S.- Phulwaria, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Lokesh Kumar Singh

For the Opposite Party/s : Mr.Ajay Kumar Jha

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 28-05-2020 Heard both sides.

The matter has been taken up through video
conferencing.

The petitioner seeks bail in Phulwaria P.S. case No. 91
of 2019 registered under Section 302/34 of the Indian Penal
Code.

The informant, widow of the deceased, in her fard bayan
alleged that while she was standing outside her house and her
husband had gone to attend the call of nature, Bihari Singh
along with his son Bhim Singh, the petitioner, wife, Nirmala
Devi and daughter, Sarita Kumari came and started assaulting
the informant with fists and slaps and stick. Bihari Singh
assaulted the daughter of informant causing fracture injury on
her right hand. In the meantime the husband of the informant



came and tried to intervene and pacify the matter but all the accused persons surrounded him, pushed him down on the ground and pressed his neck by legs resulting into death of husband of the informant on the spot.

The learned counsel for the petitioner submits that petitioner is co-sharer of the deceased. Omnibus allegation is made that all the four accused persons put the husband of the informant on the ground and pressed his neck with leg causing death of Sanjay Singh, husband of the informant, on the spot. In her further statement, the informant alleged that Bihari Singh pressed the neck of her husband with leg. There is no allegation of assault against the petitioner. The doctor did not find any injury on the neck and other parts of the body save and except on the scrotum of the deceased. The deceased might have got injury on account of fall on the ground.

The learned APP, however, opposed the prayer for bail.

It appears from perusal of the records that informant firstly made omnibus and general allegation of assault against all the four accused persons, including the petitioner, that they all put her husband on the ground and pressed his neck causing his death on the spot. The informant in her further statement, however, made specific allegation that Bihari Singh, father of



the petitioner, pressed the neck of her husband with leg but no injury on the neck was found. The doctor opined the cause of death due to shock and hemorrhage and sudden cardiac arrest on account of injury found on the scrotum of the deceased. The petitioner is not the assailant of the deceased

Considering the facts aforesaid and the fact that petitioner is in custody since 24.09.2019, the petitioner, above named is directed to be enlarged on bail on his furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-XIII, Gopalganj in connection with Phulwaria P.S. case No. 91 of 2019.

(Prabhat Kumar Jha, J)

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