

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84953 of 2019

Arising Out of PS. Case No.-94 Year-2019 Thana- SIGAUDI District- Patna

Ram Subhak Singh @ Ram Subhag Singh, aged about 68 years, Male, Son of Late Madheshwar Singh, Resident of Village Karnpura, P.S. Sigori, District Patna.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Sandeep Shahi, Advocate
For the State	:	Mr. Shyam Bihari Singh, APP
For the Informant	:	Mr. Ajay Mishra, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 27-08-2020 Heard Mr. Sandeep Shahi, the learned counsel appearing on behalf of the petitioner, Mr. Shyam Bihari Singh, the learned Additional P.P. and Mr. Ajay Mishra, the learned counsel for the informant.

The petitioner apprehends his arrest in Sigori P.S. Case No.94 of 2019, registered under Sections 341, 323, 324, 307, 504 and 34 of the Indian Penal Code. Later on Section 302 of the Indian Penal Code was added.

The widow of the deceased is the informant and she alleged that her husband executed a sale deed with regard to a piece of land in favour of the petitioner. Rs.15,000/- consideration money was lying due against the petitioner. When her husband demanded the remaining consideration amount, the



petitioner, Rakesh Singh @ Chunnu Singh and Chautala Singh caught the petitioner. Rakesh Singh @ Chunnu Singh, the son of the petitioner stabbed knife and during the course of treatment her husband died.

Mr. Sandeep Shahi, the learned counsel for the petitioner submits that the petitioner is a retired army man. He is aged about 70 years. He is suffering from different ailments. There is no specific allegation of assault against the petitioner. The petitioner of course purchased the land and paid the entire consideration amount but the story is not believable that the petitioner being an army man and old person caught the deceased and thereafter the son stabbed. It is further submitted that during the pendency of this bail petition, the petitioner also sustained fracture injury and he is under treatment in Military Base Hospital. The petitioner is unable to move, therefore, the petitioner deserves anticipatory bail.

The learned Additional P.P. as well as Mr. Ajay Mishra, the learned counsel for the informant submits that altogether eight injuries caused by hard and sharp weapon were found on the body of the deceased and it is not possible unless the deceased was caught by someone. The repeated blow was given by the son of the petitioner only when the deceased was



caught and he was made unable to move, therefore, the petitioner does not deserve anticipatory bail.

Having heard both sides and on perusal of the records, it appears that of course there is no allegation of assault against the petitioner but the petitioner and another are alleged to have caught the deceased and thereafter Rakesh Singh @ Chunnu Singh, the son of the petitioner is alleged to have repeatedly given knife blows on different parts of the body of the deceased. During the course of treatment, the deceased succumbed to the injuries. The doctor found eight injuries caused by hard and sharp weapon on different parts of the body.

Taking into consideration the facts, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the prayer for anticipatory bail of the petitioner is rejected.

(Prabhat Kumar Jha, J)

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