

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30676 of 2021

Arising Out of PS. Case No.-32 Year-2020 Thana- SISWAN District- Siwan

1. OM PRAKASH SINGH @ OM PRAKASH Son of Late Ram Janam Singh Resident of Village/ Mohalla- Gehukhera, Police Station- Kolar, District- Bhopal (M.P.)
2. Shobha Singh Wife of Om Prakash Singh Resident of Village/ Mohalla- Gehukhera, Policed Station- Kolar, District- Bhopal (M.P).

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Satya Prakash, Adv.

For the Opposite Party/s : Mr. Raj Ballabh Singh, APP

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

5 27-06-2022 Learned counsel for the petitioners is directed to remove all the defects pointed out by the Stamp Reporter within one month.

Heard learned counsel for the petitioners as well as the learned APP for the State.

The petitioners apprehend their arrest in connection with Siswan P.S. Case No. 32 of 2020, registered for the offences punishable under Sections 304/34 of the Indian Penal Code.

Deceased Rana Pratap Singh is father of the informant, Kamlesh Singh. As per allegation made in the FIR, there was dispute between deceased Rana Pratap Singh and his



brother Om Prakash Singh (petitioner No.1). The father of the informant came to his village for distribution of invitation card of marriage of his daughter. Some altercation took place between petitioner No. 1 and the deceased. It is alleged that on the order of the petitioners, their son Anup Singh assaulted the deceased by *musal* on his head and made him injured. Initially, the patient was brought to doctor S. Kumar wherefrom he was referred to Sushma Hospital, Lucknow where he died on 16.01.2020 in course of treatment. As per written report, the information about the death of the deceased was transmitted to U.P. Police in Gazipur police station and due to some business of the informant in domestic work, the Siwan Police was informed later on.

Learned counsel for the petitioners has submitted that there is inordinate delay in lodging of the FIR. The occurrence took place on 23.12.2019 and the deceased died on 16.01.2020 but the FIR was lodged on 15.02.2021. He has submitted further that the petitioners are not the direct assailants.

On the other hand, learned Addl. P.P. has submitted that on the order of the petitioners, their son Anup Singh inflicted *musal* blow on the head of the deceased resulting into his death. Even independent witnesses have supported the



occurrence and the investigation is still going on. He has submitted further that the delay has been explained in the FIR itself.

Considering the facts and circumstances, especially, the fact that investigation is still going on and the petitioners are order giver. I do not think it to be a fit case for anticipatory bail. Accordingly, prayer for anticipatory bail of the petitioners is rejected.

Office shall ensure that all defects are removed by the petitioners within the stipulated time provided in para-1 hereinabove, failing which the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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