

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13341 of 2023

Arising Out of PS. Case No.-35 Year-2022 Thana- ADHAOURA District- Kaimur (Bhabua)

1. Lalita Singh, Son of Vikrama Singh
 2. Dharmendra Singh, Son of Lalita Singh,
 3. Bablu Singh, Son of Lalita Singh
 4. Chhannu Singh, Son of Birendra Singh
- All are R/o Village- Dumuruka, P.S.- Adhaura, District- Kaimur

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Vinod Kumar Seth, Advocate
		Mr. Rajesh Kumar, Advocate
For the State	:	Mr. Kalyan Shankar, APP
For the Informant	:	Mr. Anupam Bahadur, Advocate
		Mr. Saroj Kumar Sharma, Advocate
		Ms. Kiran Kumari Sharma, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 20-07-2023 Heard learned counsel for the petitioners, learned Additional Public Prosecutor for the State and learned counsel for the informant.

2. The petitioners seek bail in connection with Adhaura P.S. Case No.35 of 2022 registered for the offences punishable under Sections 147, 149, 307, 326, 302, 452 and 120-B of the Indian Penal Code.

3. The accused/petitioners are named in the FIR and are in custody since 17.07.2022.

4. Allegation against the petitioners is to commit murder of wife of the informant along with other family



members/co-accused after criminal trespass by causing assault with *lathi*, rod etc., where occurrence arises out of partition dispute of joint family property.

5. It is submitted by learned counsel appearing on behalf of the petitioners that the allegation as regard to physical assault is appearing very much general and omnibus against these petitioners and same is appearing specific against co-accused, namely, Rajendra Singh, as surfaced during the course of investigation. In support of his submission, learned counsel submitted that injured eye-witness in Para-52 of the case diary, who is none but the daughter of deceased stated specifically that co-accused Rajendra Singh inserted *lathi* inside private part of her deceased mother causing profused bleeding, leading to her death and, as such, allegation of fatal assault is available against co-accused Rajendra Singh and not against these petitioners. It is submitted that after the occurrence, petitioners were available at their residence, which further shows their innocence, as if they were involved in the occurrence would not available at their residence. While concluding argument, it is submitted that all petitioners are men of clean antecedent and moreover investigation of this case is completed for which, charge-sheet has been submitted and, as such, there is no chance of tampering



with the evidence.

6. Learned APP duly assisted by Mr. Anupam Bahadur, learned counsel for the informant, while opposing the prayer for bail submitted that it is a case of collective assault, where after criminal trespass, all petitioners assaulted the deceased and other family members brutally, where during the course of treatment, the wife of informant died. It is submitted that there is no reason to disbelieve the version of injured eye-witnesses of this occurrence, namely, Pushpa Devi and Ganga Singh. It is submitted that the statement of Ganga Singh as available in Para-52 of the case diary appears in corroboration with Para-30 of the supplementary case diary, where the doctor found vaginal bleeding. It is further submitted that several ribs of deceased were found fractured, where cause of death was ascertained as hemorrhage and shock due to said injuries leading to cardio respiratory failure of the deceased. It is submitted that occurrence took place after criminal trespass out of property dispute and postmortem is not suggesting that death was out of specific assault caused by co-accused Rajender Singh as submitted.

7. In view of above-mentioned facts and circumstances and by taking note of fact as this is a case of



collective assault after criminal trespass in the house, which appears in corroboration with nature and numbers of injuries as found upon the deceased negate *prima facie* death caused out of specific assault as submitted, accordingly, prayer for bail of above-named petitioners are rejected.

8. The learned Trial Court is directed to expedite the trial of the case and conclude the same within nine months from the date of receipt of the order by taking this matter on board on day-to-day basis.

9. The presence of Investigating Officer is dispensed with.

(Chandra Shekhar Jha, J.)

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