

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56180 of 2022

Arising Out of PS. Case No.-140 Year-2022 Thana- DIDARGANJ District- Patna

1. Bijali Devi Wife Of Late Vinay Singh R/V- Fatehpur , P.S- Didarganj, Dist- Patna
2. Priti Devi Wife of Umesh Singh R/v- Nayapanapur Manash P.S- Akilpur, Dist- Saran (Chapra)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 61483 of 2022

Arising Out of PS. Case No.-140 Year-2022 Thana- DIDARGANJ District- Patna

Umesh Singh Son Of Late Bhola Singh Resident Of Village- Nayapanapur, Manash, P.S.- Akilpur, District- Saran(Chhapra)

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 56180 of 2022)

For the Petitioner/s : Mr.Piyush Kant Singh

For the Opposite Party/s : Mr.Anil Prasad Singh

(In CRIMINAL MISCELLANEOUS No. 61483 of 2022)

For the Petitioner/s : Mr.Piyush Kant Singh

For the Opposite Party/s : Mr.Brajendra Nath Pandey

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

7 18-04-2023 Heard learned counsel for the petitioners and

learned A.P.P appearing on behalf of the State.

The petitioners are languishing in custody in a
case registered for the offences punishable under Section



302/34 of the Indian Penal Code.

The accusation against the petitioners is that they have assaulted the son of the informant by *lathi* and *danda* as a result of which, he succumbed to the injuries.

It is submitted by learned counsel for the petitioners that petitioners are innocent and they have falsely been implicated in this case due to ulterior motive. The petitioners are wife, daughter and son-in-law of the deceased. The informant is the father of the deceased and from the F.I.R itself, it appears that he is not living with the deceased, rather he lives with his other son namely Om Prakash Singh and with a view to grab the properties of the deceased, all the family members i.e. wife, daughter and son-in-law of the deceased were made accused. In fact, the deceased was addicted to liquor and ganja and he fell down on earth due to sleep and sustained injuries. He was thereafter taken to the hospital where the doctor declared him



dead. A supplementary affidavit has also been filed bringing on record the copy of Beur P.S. Case No. 73 of 2020 which suggests that petitioner Umesh Singh (Cr. Misc. No. 61483 of 2022) is not the accused in the aforesaid case, whereas, it is the specific case of the informant that in Beur P.S. Case No. 73 of 2020, the deceased Vinay Singh was the informant and petitioner Umesh Singh was accused and the deceased was killed by the petitioners since he was going to record his statement in the Court against petitioner Umesh Singh. The petitioners are languishing in custody since 01.06.2022. A statement has been made in para 3 of the petition that the petitioners have no criminal antecedent.

In contra, learned A.P.P. appearing on behalf of the State has vehemently opposed the prayer for bail of the petitioners and submitted that petitioners are named in F.I.R. The informant and other witnesses have supported the prosecution case. The postmortem report



suggests that the deceased sustained multiple bruises caused by hard and blunt substance and death was due to injuries sustained on the person of the deceased which completely corroborates with the prosecution case. The independent witnesses have also supported the case of the prosecution.

Considering the gravity of the offence, this Court is not inclined to grant bail to the petitioners. The prayer for grant of bail to the petitioners stands rejected.

The Trial Court is directed to expedite the trial and conclude the same at the earliest.

(Sunil Kumar Panwar, J)

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