

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42932 of 2023

Arising Out of PS. Case No.-223 Year-2023 Thana- DAUDNAGAR District- Aurangabad

Rabindra Singh @ Ravindra Kumar Singh, aged about 70 years (Male), Son of Late Har Dayal Singh @ Har Dayal Mahto, Resident of village and Post-Hichhan Bigha, P.S.- Daudnagar, Distt, - Aurangabad.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	M/S. Pankaj Kumar Jha and Ujjawal Kumar Singh, Advocates
For the Informant	:	None.
For the State	:	Mr. Uday Pratap Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

5 24-01-2024 Learned counsel for the petitioner is permitted to remove the defect(s) as pointed by the office, if any, within a period of three weeks from today.

2. Heard learned counsel for the petitioner and learned A.P.P. for the State. However, learned counsel for the informant is not present.

3. The petitioner is apprehending his arrest in connection with Daudnagar P.S. Case No. 223 of 2023 dated 14.04.2023 registered for the offences punishable under Sections 302, 120B/34 of the I.P.C. and Section 27 of the Arms



Act.

4. As per prosecution case, the informant's husband got married his elder son against will of the informant and due to which she used to make protest for such act and in the year 1995 her husband won the election of State Assembly and also developed illicit relation with another lady and due to which the informant as well as her son used to protest for such act of his father. It is further alleged that on 14.04.2023, a call came to the mobile of the informant, but she could not talk to her son and thereafter the informant went to the field, where her son was irrigating the field and saw that her son was lying in the field and also saw a wound on the right side of the thigh and injuries on the left and right ribs also and thereafter the informant called police. It is further alleged that the informant has suspicion that her husband, Ravindra Kumar Singh (petitioner) and the co-accused Vinay Kumar, Sudhanshu, Raushan @ Bamard, Ravi Kumar and Satyendra Mahto alongwith other unknown persons shot her son dead under conspiracy.

5. Learned counsel for the petitioner has submitted that the petitioner is innocent and has been falsely been implicated in the present case. It is submitted that there is no good relationship with the petitioner and the informant. The



petitioner had filed Matrimonial Case No. 84 of 2007 under Section 9 of the Hindu Marriage Act which was decided in favour of the petitioner and subsequently the informant filed Maintenance Case No. 63 of 2010. It is further submitted that the deceased was son of the petitioner, hence, it does not arise to kill his son without any cause. It is further submitted that nothing incriminating article has been recovered from the place of occurrence but in order to give strength in the case, the informant produced two empty cartridges and one live cartridge to police upon which production-cum-seizure list was prepared. The petitioner is aged about 70 years old. It is further submitted that on the alleged date of occurrence i.e. 14.04.2023, the petitioner was present in Arwal District in a function arranged on the Jayanti of 'Dr. B.R. Ambedkar'. It is further submitted that the other co-accused persons have already been granted anticipatory bail by another Co-ordinate Bench of this Court vide Cr. Misc. No. 44927 of 2023 under order dated 11.08.2023 and Cr. Misc. No. 41560 of 2023 under order dated 17.10.2023. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail application.

6. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner by submitting that the



petitioner alongwith the co-accused persons committed murder of his son (deceased) under conspiracy. It is alleged that the informant in her statement recorded under Section 164 Cr.P.C., has stated that she saw that the petitioner and the co-accused persons holding rifles were present at the place of occurrence. Further, two fired empty cartridges and two live cartridges of A.K. 47 and Insas rifles were found at the place of occurrence. The postmortem report reveals that the cause of death is :Gun short injuries', damage of lungs, haemorrhage shock and death due to heart failure.

7. Considering the aforesaid facts and circumstances of the case as well as heinous nature of allegation against the petitioner, this Court is not inclined to grant anticipatory bail to the petitioner and the same is rejected with a direction to the petitioner to surrender before the learned court below within a period of eight weeks from the date of receipt/production of a copy of this order and the learned court below may consider the prayer for regular bail in accordance with law and on its own merits without being prejudiced of the order of this Court in connection with Daudnagar P.S. Case No. 223 of 2023, pending in the court of learned Sub Divisional Judicial Magistrate, Daudnagar, Aurangabad.



8. Accordingly, the anticipatory bail application of the
petitioner stands rejected.

(Chandra Prakash Singh, J)

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