

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3078 of 2015

Arising Out of PS.Case No. -161 Year- 2014 Thana -RUPASPUR District- PATNA

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1. Sunil Kumar Ojha @ Sunil Kumar s/o Shri Surendra Kumar Ojha @
Surendra Ojha, R/o Ram Jaipal Nagar, Baily Road, P.S.- Rupaspur, District
Patna

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Patanjali Rishi

For the Opposite Party/s : Mr. Pramod Kr.Pandey(App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

4 09-02-2015 This petition has been listed under the heading for
Orders.

I have already heard learned counsel for the
petitioner, learned Additional Public Prosecutor for the State as
well as learned counsel for the informant.

Admittedly, petitioner is husband of the deceased and
the alleged occurrence took place in the bedroom of the petitioner.
It is also an admitted position that no one has seen the actual
killing of the deceased except the petitioner.

Furthermore, it is an admitted position that deceased
sustained firearm injury and similarly, petitioner, too, sustained
firearm injury.



In course of investigation, witness, Golu Kumar claimed to have seen the petitioner coming out of his room having the deceased in his lap and the aforesaid witness also noticed that blood was oozing out from the head of the deceased and similarly, blood was oozing out from the eyes of the petitioner. The aforesaid witness also stated that petitioner directed him to call the driver for going hospital and after that deceased was taken to hospital by the petitioner and his other family members. The aforesaid fact was seconded by several witnesses. Furthermore, in course of investigation, the statement of son of the petitioner, who was aged about five years at the time of alleged occurrence, was recorded and the aforesaid witness stated that his father had come to home on call of his mother and thereafter, scuffle took place between father and mother and prior to aforesaid scuffle, the gun was in possession of his mother.

It is not in dispute that the pistol used in this occurrence is licensee pistol of the petitioner. Furthermore, some witnesses stated in course of investigation that the petitioner and deceased were leading happy and peaceful married life but prior to the alleged occurrence, deceased was under depression. Furthermore, some witnesses also stated this fact that two years ago, deceased had attempted to commit suicide. Moreover, when

the petitioner was asked by the investigating officer about the present occurrence, the petitioner specifically stated that deceased committed suicide. Furthermore, the investigation of this case has already been completed and the charge sheet has been submitted under Sections 302 of the Indian Penal Code and 27 of the Arms Act.

Considering the aforesaid facts and circumstances as well as submissions of the parties, let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Shri Shyamal Kumar, Judicial Magistrate 1st Class, Danapur, Patna in connection with Rupaspur P.S. Case No. 161 of 2014.

(Hemant Kumar Srivastava, J)

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