

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1 of 2017

Arising Out of PS.Case No. -91 Year- 2016 Thana -SANGRAMPUR District-
EASTCHAMPARAN(MOTIHARI)

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1. SUDHIST KUMAR @ SUDISHT KUMAR, Son of Raja Ram Sah,
Resident of Village- Sangrampur, Police Station- Sangrampur, District- East
Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dilip Kumar Tondon

For the Opposite Party/s : Mr. Ram Bachan Singh

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

3 06-03-2017 Heard both sides.

The petitioner seeks bail in Sangrampur P.S. case No.
91 of 2016 under Section 302/34 of the Indian Penal Code and
under Section 27 of the Arms Act.

The informant, widow of the deceased, alleged that
she was living in a Government quarter and her husband was
posted in P.H.C., Sangrampur situated nearby the quarter. She
alleged that her husband has got some altercation with the
petitioner for prescribing medicines on 14.08.2016 and while her
husband was urinating the petitioner fired on the neck of her
husband. The informant took her husband to Sadar Hospital and
from there he was lifted to a private nursing home but her husband



died.

Sri Krishna Prasad Singh, the learned senior counsel for the petitioner, submits that, of course, the informant claimed herself to be an eye witness of the occurrence but, in fact, she is not an eye witness of the occurrence. She made her further statement in paragraph 19 of the case diary and disclosed that she arrived at the place of occurrence and saw the petitioner fleeing away from the place of occurrence. The petitioner was always pressurizing her husband to compromise the case. It is further submitted that other witnesses have stated that petitioner never visited the P.H.C. for compromise. The deceased committed suicide on 10.08.2016 as Sangrampur P.S. case No. 88 of 2016 was lodged by Happy Devi against the deceased under Section 420 and other Sections of the IPC and the doctor was under depression and he committed suicide. The firing was made below his jaw and this fact also shows that the doctor himself made firing causing his death but from perusal of the FIR and the records it appears that the informant invocably stated in her fard bayan that she saw the occurrence and it was the petitioner who fired at her husband causing his death. The petitioner was always pressurizing her husband to compromise the case lodged by her husband. The brother of petitioner was running a medical shop but after



recording the statement of the informant the I.O. took the statement of such witnesses who started categorically stating that they did not see the petitioner either coming inside the premises or going outside the premises. From the facts itself, it appears that informant herself is an eye witness of the occurrence and she saw the petitioner firing at her husband.

Considering the facts aforesaid and nature of allegation made against the petitioner, I am not inclined to enlarge the petitioner on bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

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