

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12609 of 2021**

Arising Out of PS. Case No.-1048 Year-2019 Thana- SAHARSA SADAR District- Saharsa

ROSHAN KUMAR @ ROSHAN SAH Son of Shambhu Sah Resident of
Village - Hariyo, P.S.- Simri Bakhtiarapur, Distt.- Saharsa.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Arun Kumar Sinha
For the Opposite Party/s : Mr.Nand Kumar

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

4 20-06-2022 Learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

Heard learned counsel for the petitioner as well as
learned counsel for the informant.

The petitioner apprehends his arrest in connection
with Saharsa Sadar P.S. Case No. 1048 of 2019, registered for
the offences punishable under Sections 302, 34 of the Indian
Penal Code.

As per allegation, when the informant Awadhesh
Kumar was travelling with his wife as pillion rider on
motorcycle, his wife saw co-accused Deepak Kumar and
Bhupen Kumar on a motorcycle were following them and when



they reached near Sirade chowk, co-accused Ganga Sah and Roshan Sah (petitioner) who were on another motorcycle and one Hare Krishna Sah and Sambhu Sah on another motorcycle, all started following them. Having seen them, the informant had driven his motorcycle rashly. The further allegation is that on the order of co-accused Ganga Sah and Sambhu Sah, the petitioner Roshan Sah fired shot which hit in the right scapular region of his wife, the petitioner fired second shot. Informant and his wife fell down in a ditch and the persons of vicinity assembled. The informant and his wife was brought to the hospital but it has been mentioned in the FIR that his wife has died on the spot.

Learned counsel for the petitioner has submitted that at the time of the occurrence the petitioner was not present at the spot rather he was in Muzaffarpur as his sister Neha Kumari was appearing in an examination in Muzaffarpur. He has submitted further that the investigating authorities have submitted final form but deferring with the opinion of the investigating authorities the learned C.J.M. has taken cognizance.

On the other hand, learned counsel for the informant has submitted that the petitioner is named in the FIR. There is specific allegation against him that he fired shot on the person



of the informant's wife who breathed her last after sustaining fire shot injuries.

The learned C.J.M. after considering the materials has taken cognizance and the petitioner has been implicated in two other cases as mentioned in paragraph No. 3 of the bail petition.

I do not think it to be a fit case for anticipatory bail. Accordingly, it is rejected.

Office shall ensure that all defects are removed by the petitioner within the stipulated time provided in para-1 hereinabove, failing which the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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