

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11593 of 2022

Arising Out of PS. Case No.-683 Year-2021 Thana- SITAMARHI District- Sitamarhi

Indal Kumar S/O Devnandan Mahto, R/o village- Sumahuti, P.S.- Runni
Saidpur, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjeet Kumar Mishra

For the Opposite Party/s : Mr.Binod Kumar

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 25-07-2022

Heard learned counsel for the parties.

Let the defect(s) be removed within four weeks of the
complete start of the physical Court in normal course.

The petitioner is in judicial custody in connection
with Sitamarhi P.S. Case No.683 of 2021 instituted under
Section 302, 307, 120B, 379 and 34 of the Indian Penal Code
and Section 27 of the Arms Act.

The allegation in the FIR is as follows:

(i) It is alleged that on 24.08.2021 at 11:45 PM the
informant was coming from his Hospital situated at Shankar
Chowk to his Clinic Rajopatti with his driver Prabhash and two
staffs namely, Baby and Suresh, counter staff Bably Kumari
along with his wife Sabnam Ara at his Clinic situated in
Rajopatti at 12:00 hours in the night. When the informant along
with others reached behind his Clinic near parking he saw four



persons who all of a sudden started firing upon them. The informant sustained bullet injury on chest, hand and knee while counter staff Bably Kumari was hit by bullets and died on the spot. Further allegation is of snatching of his licensed revolver. The informant further alleged that his first wife, Seema Sinha and nephew namely Santosh Kumar and Sandeep Kumar as also her boyfriend have jointly committed the crime.

Learned counsel for the petitioner submits that neither in the FIR nor in the confessional statement of Santosh Kumar his name has cropped up and he has been implicated in this case only after his arrest in Sitamarhi P.S. Case No.689/2021.

On the other hand learned counsel for the State submits that a bare perusal of confessional statement of this petitioner shows that he has completely corroborated the allegation made in the FIR whether it relates to the snatching of the revolver or the killing of the deceased and or opening fire on the informant which led to injury to him. He has also submitted that the CDR location of the mobile of the petitioner have been found to be at the place of occurrence (as stated in para-69 of the case diary.)

Taking into account the aforesaid fact that there has been a killing and injury to the informant herein and the role of



the petitioner has come up in course of investigation who is part of a group that takes money for killing people.

Considering the gravity of the case in which an innocent lady was killed, the informant was injured and there is also a allegation of the snatching of revolver in which active role of the petitioner has come up in course of investigation, this Court is not inclined to grant him privilege of bail, which is accordingly rejected.

(Rajiv Roy, J)

Prakash Narayan /-

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