

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35282 of 2023

Arising Out of PS. Case No.-709 Year-2022 Thana- GOPALPUR District- Patna

SURAJ KUMAR Son of Jitendra Kumar @ Pankaj Kumar Residence of
Mohalla - Prem Nagar, Chakbariya, P.S. - Gopalpur, distt. - Patna

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Rahul Kumar, Advocate
For the Opposite Party/s	:	Mr.Ashok Kumar Singh, APP
For the informant	:	Mr. Ravish Mishra, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 29-08-2023 Heard Mr. Rahul Kumar, learned counsel for the
petitioner, Mr. Ashok Kumar Singh, learned APP as also Mr.
Ravish Mishra who represents the informant.

The petitioner is in judicial custody in connection
with Gopalpur P.S. Case No. 709 of 2022 for the offence
punishable under Sections 341, 323, 302/34 of the Indian Penal
Code and 25(1-b)a, 26, 27, 35 of the Arms Act lodged on
25.12.2022 by the informant, Kajal Kumari.

As per the prosecution story, the widow lady has
alleged that she was preparing for the birth-day celebration of
her son, while her nephew Suraj Kumar and Saurabh Kumar
having hot discussion with her husband (deceased). She had first
pacified them but in the meantime, allegation is that Saurabh
Kumar pushed her away and opened fire which missed her
husband. Thereafter, the allegation against this petitioner is that
he snatched the pistol from Saurabh Kumar and opened fire, as a



result, he became injured. The accused, thereafter, escaped. The husband was brought to Nalanda Medical College Hospital where the Doctor declared him dead. The post-mortem followed by cremation and as she was not in proper state of mind, FIR was lodged, subsequently on 25.12.2022.

It is the case of the petitioner that only to implicate them, the lady has made allegation.

Considering the said submission, the earlier bench had called for the case diary on 24.6.2023 which has been received.

Learned APP has gone through the record, according to which the investigation has moved on the same line as narrated by the informant-widow before the police and not a single independent witness is there to narrate a different story.

In the said background, the allegation of widow that it is this petitioner who opened fire causing injury to her husband which proved fatal cannot be ignored.

Under such circumstances, no relief can be granted to him.

The bail application stands rejected.

(Rajiv Roy, J)

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