

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17792 of 2024

Arising Out of PS. Case No.-122 Year-2020 Thana- DHANARUA District- Patna

Nikku Kumar @ Nippu @ Bikku Kumar @ Rocky, Male, aged about 24 years, S/o Binay Singh @ Baigan, R/o vill - Mahmadpur, P.S. - Dhanarua, Distt. - Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Anuj Kumar, Advocate
For the Opposite Party : Mr. Kanhiya Kishor, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

7 28-08-2024 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Dhanarua P.S. Case No. 122 of 2020 dated 07.04.2020 registered for the offences punishable under Sections 341, 342, 323, 307/34 of the I.P.C. and Section 27 of the Arms Act.

3. As per the prosecution case, on 06.04.2020 at about 8.00 A.M., in front of the house of the informant, the petitioner, his father Binay Singh and Pramod Singh were quarrelling among themselves in their house and the petitioner was assaulting with the butt of the pistol to his mother Shobha Devi on her head and back but Binay Singh and Pramod Singh did not save her. On seeing this situation, the informant went to save



the mother of the petitioner, namely, Shobha Devi, in the meantime, Binay Singh and Pramod Singh told the petitioner to kill her. On which, the petitioner opened fire on her head with his pistol which hit her stomach. Her son brought her to a local Hospital for her treatment and informed the police. Thereafter, the informant was brought to the P.M.C.H., Patna by police where her treatment was going on.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the occurrence took place on 06.04.2020 at 8.00 A.M. in the morning but the F.I.R. has been lodged on 07.04.2020 at 7.05 P.M. There is neighbour dispute between the parties. The petitioner had no intention to commit the alleged offence. The charge sheet has already been submitted in the present case. The petitioner has eight criminal antecedents and in four cases, he is on bail as stated in paragraph no. 3 of the bail petition. He is in custody in this case since 25.04.2023.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner and submitted that there is direct allegation against the petitioner for assaulting his mother Shobha Devi who died during the course of treatment.



The postmortem report reveals that the cause of death is head injury caused by hard and blunt object. The informant, Dharmsheela Devi also sustained two lacerated wounds which were dangerous to life.

6. It is further submitted by learned A.P.P. for the State that Shobha Devi, the mother of the petitioner who was injured in the present case i.e., Dhanarua P.S. Case No. 122 of 2020 was admitted in P.M.C.H., Patna, and for her better treatment, she was admitted in *Shiva Hospital, Patna*, for which the *fardbeyan* of Pramod Kumar, the son-in-law of Shobha Devi, was recorded on 07.04.2020 and the F.I.R. bearing Dhanarua P.S. Case No. 129 of 2020 was registered on 10.04.2020 by him and during the course of treatment, she died on 14.04.2020 in *Shiva Hospital, Patna*. It is further submitted that the *fardbeyan* of Pramod Kumar, the son-in-law of Shobha Devi which was recorded on 07.04.2020 and the F.I.R. bearing Dhanarua P.S. Case No. 129 of 2020 was registered by him on 10.04.2020 only to save his skin from the present case i.e., Dhanarua P.S. Case No. 122 of 2020 because he has been made accused in the aforesaid case.

7. Considering the aforesaid facts and circumstances of the case as well as the specific allegation against the



petitioner, this Court is not inclined to grant bail to the petitioner in connection with Dhanarua P.S. Case No. 122 of 2020, pending in the court of learned A.D.J.-I, Masaudhi at Patna.

8. Learned court below is directed to conclude the trial of the petitioner at the earliest.

(Chandra Prakash Singh, J)

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