

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43593 of 2024

Arising Out of PS. Case No.-67 Year-2024 Thana- DURGAWATI District- Kaimur (Bhabua)

Bhim Vishwakarma Son of Late Vijay Shankar Sharma Resident of Village -
Udhapura, P.S. - Durgawati, District - Kaimur (Bhabua).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kumar Sunil, Adv.

For the Opposite Party/s : Mr. Rajendra Nath Jha, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

5 14-11-2024 Heard Mr. Kumar Sunil, learned counsel for the
petitioner and the State.

2. The petitioner is in custody in connection with
Durgawati P.S. Case No. 67 of 2024 for the offence punishable
under sections 302 of the Indian Penal Code lodged on
17.03.2024 by the informant, Ranjit Viswakarma.

3. As per the prosecution story, the informant, who is
the elder brother of the petitioner, alleged that his brother
(petitioner herein) regularly used to say that he will kill his
mother as despite protest, she is not mending her ways and
having relationship with unknown person. On the fateful day, he
came to know about the killing, which led to the FIR.

4. Subsequently, the investigation took place, the
petitioner was apprehended and on his confession, the revolver
used in the killing of his mother was recovered/seized.

5. Learned counsel for the petitioner submits that if



the informant had the knowledge that the petitioner will kill his mother, he should have taken steps to prevent it and the confession before the police has no meaning.

6. Learned APP, Mr. Bharat Bhushan, on the other hand, submits that the occurrence did not take place in the home rather in the field of a farmer where she had gone to attend the nature's call.

7. Learned APP further submits that though the confession before the police may not have any meaning, in view of the fact that pursuant to the confession, there is recovery of the fire arm used in the occurrence, the chain is complete.

8. Taking into account the submissions put forward by the parties as also the fact that direct allegation is against the petitioner and after he was taken into custody on his confession, the fire arm used in the alleged killing of his mother has been recovered/seized, in that background, no relief can be extended to him.

9. Accordingly, the bail application stands rejected.

(Rajiv Roy, J)

Vijay Singh/-

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