

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13061 of 2025

Arising Out of PS. Case No.-95 Year-2013 Thana- BELDOUR District- Khagaria

Jyotish Kumar @ Bharat Kumar S/o Arbind Singh R/o vill - East Telihar, P.S.-
Beldour, Distt.- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Mritunjay Kumar, Advocate
For the Opposite Party/s	:	Mr.Pramod Kumar Pandey, APP
For the Informant	:	Mr. Shailendra Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 14-05-2025 Heard learned counsel for the petitioner, the State
and the informant.

2. The petitioner is apprehending arrest in connection with Supplementary Beldour P.S. Case No. 95 of 2013 instituted under Sections 342, 323, 324, 307, 302, 504/34 of the Indian Penal Code and 27 of Arms Act lodged on 24.07.2013 by the informant, Devendra Singh.

3. As per the prosecution story, the informant alleged that while his one son, Ashutosh Kumar used to remain outside for study purpose, the other son Santosh Kumar @ Pappu Singh (since deceased) was with him taking care of fertilizers and agriculture business. On 24.07.2013, he took his tractor and went out when the accused persons came, abused and upon



protest assaulted. The allegation is that Arvind Singh assaulted on the head by 'lathi', Sunita Devi gave 'lathi' blow on the back. Thereafter, she called her two sons namely Jyotish Kumar (the petitioner herein) and Nitish Kumar who came with country made pistol and opened fire. The son fell on the ground, as the family members tried to take the dead body, another 2-3 round was fired. This led to the FIR.

4. Learned counsel for the petitioner submits that he is officially known as Bharat Kumar and not Jyotish Kumar, the allegation naturally cannot be attributed to him. The FIR names Jyotish Kumar which alias name he never used but only because of his anticipatory bail order of the learned Sessions Judge records his name as Jyotish Kumar, it has been incorporated herein.

5. Learned APP opposes as also learned counsel for the informant submit that it is the petitioner herein who opened fire causing death of the informant's son. Bharat Kumar @ Jyotish Kuamr, son of Sunita Devi and Arvind Singh is one and the same person and it is not his denial that Sunita Devi and Arvind Singh are not his parents. Further, the petitioner is named accused, main assailant in an occurrence which took place in the year 2013 and only now he has started approaching



the different Courts for his relief after a gap of 12 years.

6. Having gone through the facts of the case and submissions of the parties, direction allegation of opening fire is against this petitioner, he cannot escape behind *alibi* of not being Jyotish Kumar as his mother and father, both accused are named in the F.I.R. as Sunita Devi and Arvind Singh. The plaint also reads that he is son of Arvind Singh. In that background, no relief can be granted, the anticipatory bail stands rejected.

(Rajiv Roy, J)

Ravi/-

U		T	
---	--	---	--

