

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42783 of 2025

Arising Out of PS. Case No.-214 Year-2024 Thana- SINDHIYA District- Samastipur

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Gautam Kumar @ Gautam Kumar Singh, aged about 21 years, Male, S/o
Shubhankar Prasad Singh @ Shubhankar Singh, R/o Village- Singhia, P.S.-
Singhia, District- Samastipur (Bihar)

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Madhav Kumar, Advocate
For the Opposite Party : Mrs. Sharda Kumari, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

3 15-09-2025 Heard learned counsel for the petitioner and learned
A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Singhia P.S. Case No. 214 of 2024 dated 30.11.2024 registered for the offence punishable under Section 103(1) of the B.N.S., 2023.

3. The prosecution case, in brief, is that on 29.11.2024 at about 11.00 P.M., the informant alongwith her husband Sanjay Kumar Singh (deceased), daughters, namely, Shalini, Bindiya, Gudiya and her son Gopal went to sleep in her house and after some time, the informant saw that one boy was coming towards her house from outside. It is further alleged that the informant alongwith her husband went outside and saw that



Gautam Kumar (petitioner) who has a shop of Bakery and Pizza at the Kalali Chowk with whom exchange of hot words took place between them as Gautam Kumar (petitioner) used to talk on phone with the middle daughter of the informant, namely, Bindiya, and there was love affair between them for which the informant and her husband always used to protest. It is further alleged that the informant's husband to save his life, assaulted with iron rod on the petitioner which did not hit him. In the meantime, Gautam Kumar (petitioner) attacked with the weapon like knife on the husband of the informant, due to which, he fell down and that boy fled away from there with the weapon. Thereafter, the informant alongwith her daughters and nearby people took the husband of the informant to Singhiya Hospital, where the doctor declared him dead.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in the present case. It is further submitted that the alleged occurrence took place on 29.11.2024 at about 11.00 P.M. but the F.I.R. has been registered on 30.11.2024 and for the delay in lodging the F.I.R. no explanation has been given by the prosecution. It is further submitted that the F.I.R. has been lodged after conducting postmortem of the deceased which



creates doubt about the prosecution case. It is further submitted that from perusal of the F.I.R., it is evident that during the course of scuffle between the petitioner and the informant's husband, first of all, the husband of the informant (deceased) had attacked with iron rod on the petitioner and in his self defence, the petitioner acted on the husband of the informant. Hence, there is no element of premeditation or motive as required under Section 103(1) of the B.N.S., 2023. The petitioner had no intention to kill the deceased. There is no recovery of weapon used in the alleged offence from the possession of the petitioner. It is further submitted that from perusal of the F.I.R., it appears that there was love affair between the petitioner and the daughter of the informant for which the informant was not happy with the petitioner and she has falsely implicated the petitioner in the present case. The petitioner is a sole bread earner of his family and the whole family is starving since the petitioner is in jail and he undertakes to fully co-operate with the process of law and investigation. The police after completion of investigation, has submitted charge-sheet in the present case. There is no eye witness to support the prosecution case. The petitioner has one criminal antecedent in which he is on bail as stated in paragraph no. 3 of



the bail application. The petitioner is in custody in this case since 30.11.2024.

5. Learned A.P.P. for the State has vehemently opposed the prayer for bail petition of the petitioner and has submitted that the petitioner is named in the F.I.R. Learned A.P.P. for the State has further submitted that there is direct allegation against the petitioner that he attacked with the weapon like knife on the husband of the informant, due to which, he died.

6. Considering the aforesaid facts and circumstances of the case and the nature of accusation leveled against the petitioner, this Court is not inclined to grant bail to the petitioner and the same is rejected in connection with Singhia P.S. Case No. 214 of 2024, pending in the court of learned J.M. Ist Class, Rosera, Samastipur.

7. The application stands rejected.

8. The learned trial court is directed to expedite the trial of the petitioner and conclude the same at the earliest.

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(Chandra Prakash Singh, J)

