

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67004 of 2024

Arising Out of PS. Case No.-294 Year-2023 Thana- SONBERSA District- Sitamarhi

Subhash Kumar @ Subhash Jha @ Subhash kumar Jha Son of Purendra Jha @ Sukhari Jha R/o Ward No.09, Madhesra, Sitamarhi, Hanuman Nagar, Bihar, 843317 under guardianship of his brother Satyam Kumar Jha, age about 28 years S/o Purendra Jha, Ward 09, Village- Madhesra, Madhesra, Sitamarhi, Hanuman Nagar, Bihar 843317

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rahul Kumar, Advocate
For the Opposite Party/s	:	Mr. Md. Fahimuddin, APP
For the Informant	:	Mr. Rahul Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

5 04-03-2025 Heard Mr. Rahul Kumar, learned counsel for the petitioner through video conferencing and Mr. Vijay Kumar representing the informant as also the State.

2. The petitioner is in judicial custody in connection with Sonbarsa P.S. Case No. 294 of 2023 registered under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act lodged on 23.09.2023 by the informant, Usha Devi.

3. As per the prosecution story, the complainant alleged that Ritik Kumar and Subhash Jha came to her place and wanted her son, Muskan Kumar to accompany them. Upon inquiry, it was stated by them that this petitioner who is father of Ritik Kumar has called him. Though the lady did not wanted her



son to go, he went away with them and later in the morning, it was informed that he is dead. She alleged that beside Ritik Kumar, this petitioner also has a role in killing her son. Accordingly, the FIR.

4. In this case, the case diary as also the supplementary case diary have been provided and learned APP has taken this Court to the paragraph-5 of the supplementary case diary to show that how the occurrence took place. According to it, Ritik had heated an altercation with the deceased and this proved fatal for him. In the presence of this petitioner, Ritik opened fire killing him on the spot.

5. Though learned counsel for the petitioner submits that he is a juvenile and should accordingly be granted relief, learned APP on the other hand submits that it is for them to present appropriate petition before appropriate Court so that the same is considered/an order is passed. Here the bail application is pending where the role of the petitioner has been defined and as such, he is not entitled for relief.

6. Having heard the parties and perusing the record, this Court finds that not only he was seen along with the deceased before the victim disappeared, the fact remains that investigation points finger towards him as the person along with



Ritik who executed the plan to kill the deceased and the shot fired by Ritik led to killing in the presence of the petitioner.

7. No case for bail is made out and the present bail application stands dismissed.

(Rajiv Roy, J)

Adnan/-

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