

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15658 of 2025

Arising Out of PS. Case No.-186 Year-2019 Thana- BUXAR MUFFSIL District- Buxar

Rajnish Gupta @ Rajnish Kumar Gupta S/O- Birendra Sah Village- Parasarha
Ps- Itarhi Dist- Buxar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Pankaj Kumar Singh S/o- Late Birendra Singh Village- Parasarha Ps- Itarhi
Dist- Buxar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dimpal Kumari, Advocate

For the Opposite Party/s : Mr. Md. Iftekhar Mahmood, APP

CORAM: HONOURABLE MR. JUSTICE PRAVEEN KUMAR
ORAL ORDER

2 31-03-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for quashing the order taking cognizance dated 08.04.2024 passed by the learned Chief Judicial Magistrate, Buxar in connection with Mufassil P.S. Case No. 186 of 2019 for the offences under Sections 302, 120B and 34 of I.P.C. and Section 27 of the Arms Act.

3. As per the prosecution case, the informant, namely, Pankaj Kumar Singh alleged that on 04-07-2019 at about 6:30 A.M., his brother Rajnarayan Singh @ Pintu Singh and Munna Kumar Singh left for Buxar on his motorcycle bearing Registration. No. BR-44B-5077 driven by Rajnarayan Singh @ Pintu Singh and Munna Kumar Singh was pillion rider.



Rajnarayan Singh @ Pintu Singh was a contractor and was doing some work at Central Jail, Buxar. When both of them reached at Unwao-Bhabhuar Wala More at around 6.40 PM, suddenly petitioner and co-accused persons ridden on two motorcycles came and surrounded the informant's brothers. It is alleged that the co-accused Mulayam Yadav shot his brother Rajnarayan Singh @ Pintu Singh on his head due to which he died on the spot. Thereafter, all the accused persons fled away from the place of occurrence. It is further alleged that Virendra Sah, Bhagwan Sah, Chandan Yadav and Vikash Yadav are involved in this occurrence because his cousin brother Rajnarayan Singh @ Pintu Singh has appeared as a witness in a case lodged by his cousin brother against Birendra Sah and Bhagwan Sah vide Itarhi P.S. Case No. 69/2012 in which his brother Rajnarayan Singh @ Pintu Singh (deceased) was the main Pairvikar.

4. Learned counsel for the petitioner has submitted that there is no direct allegation against the petitioner for killing the brother of the informant rather the specific allegation of firing upon deceased is against co-accused Mulayam Yadav and the allegation against the petitioner is that he was also there on a motorcycle. It has been further submitted that merely on



suspicion and due to previous enmity, the petitioner has been made accused in this case, while petitioner has got no criminal antecedent. Learned counsel for the petitioner has further submitted that the petitioner and informant are villagers and there is long standing enmity between them and on perusal of the fardbyan itself, it is not clear whether the criminals fired upon the deceased from front or back, the fact that how the victim was killed and from perusal of the fardbyan the suspicion has been raised against the petitioner as due to previous enmity regarding Itarhi P.S. Case No. 69 of 2012 in which the deceased was main pairvikar.

5. Learned counsel for the State vehemently opposes the prayer for quashing the cognizance order and has submitted that petitioner is named in the FIR. He was a member of unlawful assembly to kill the deceased. Moreover, the grounds raised in this petition and also the arguments advanced by learned counsel for petitioner, it may be a case of defence, there are sufficient materials against the petitioner and hence the impugned order does not warrant interference.

6. Considering the case to be under Section 302 IPC and under Section 27 of Arms Act and petitioner was found alleged to be present at the place of occurrence along with other



co-accused persons, pursuant to which the deceased was killed,
this quashing application is devoid of merits and is accordingly
dismissed.

(Praveen Kumar, J)

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