

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27136 of 2026

Arising Out of PS. Case No.-64 Year-2026 Thana- FATUA District- Patna

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1. Raj Kumar @ Raj Kumar Singh S/o Mundrika Singh Resident of Village-Rasulpur, P.S.- Fatuha, District- Patna
 2. Sulekha Devi W/o Raj Kumar @ Raj Kumar Singh Resident of Village-Rasulpur, P.S.- Fatuha, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Yogesh Chandra Verma, Sr. Adv.

For the Opposite Party/s : Mr. Dilip Kumar No. 1, Adv.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

3 15-07-2026 Heard Mr. Yogesh Chandra Verma, learned Senior Advocate for the petitioners and learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Fatuha P.S. Case No. 64 of 2026, registered for the offences punishable under Sections 103(1)/3(5) of the BNS and Section 27 of the Arms Act.

3. In the morning of the fateful day while the informant and his younger brother, Raj Kumar @ Raj Kumar Singh (petitioner no. 1) and his nephew, Gaurav Kumar were discussing regarding land dispute next to the house of the informant, in the meanwhile, an argument broke out between two brothers, whereupon petitioner no. 1 called his elder son,



Shivam Kumar, who came out with a weapon and further on the exhortation made by the petitioners, co-accused Shivam Kumar fired due to which the informant's son sustained a bullet injury over his palm, which bullet pierced through his palm and caused further injury to the informant's wife, who died at the spot. In the said incidence one Dev Prasad, who is said to be villager, has also sustained injury and died later on in the hospital.

4. Learned Senior Advocate for the petitioners submitted that from the FIR it is evident that the petitioner no. 1 and the informant are own brother and the entire occurrence took place on a hit of rage in the premise of land dispute. The allegation of exhortation has been levelled against three persons, including the petitioners, which prima facie appears to be unfounded and a move to implicate all the family members. There is a specific accusation of causing firearm injury levelled against Shivam Kumar since the said Shivam Kumar happens to be son of the petitioners and, therefore, their names have also been implicated but without any overt act. The petitioners are persons of fair antecedent and they are also aggrieved with the unfortunate incidence.

5. On the other hand, learned Advocate for the State vehemently opposed the bail application and submitted that the



it is the petitioners, who have called upon his son along with weapon and subsequently on the exhortation made by the petitioners he fired upon the informant's son which caused injury to three persons out of which two persons died.

6. Having considered the specific accusation against petitioner no. 1 of calling upon his son and on his exhortation he fired due to which two persons killed, this Court is not acceded to the prayer for anticipatory bail of petitioner no. 1. Accordingly, the prayer for anticipatory bail of petitioner no. 1 stands rejected.

7. So far the petitioner no. 2 is concerned, she happens to be a lady having fair antecedent, besides there is no specific accusation of any overt act, save and except her presence at the place of occurrence, let the petitioner no. 2, abovenamed be released on bail, in the event of her arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge-III, Patna City in connection with Fatuha P.S. Case No. 64 of 2026 subject to the conditions laid down in Section 482(2) of the Bharatiya Nagrik



Suraksha Sanhita, 2023, with the further condition that one of the bailors shall be the own/close family members of the petitioner no. 2.

(Harish Kumar, J)

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