

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (DB) No.1486 of 2025

Arising Out of PS. Case No.-657 Year-2023 Thana- SHEKHPURA District- Sheikhpura

Manoj Kumar S/O Late Misri Rawat R/O village - Indai Kasipuram Colony,
P.s - Sheikhpura, District- sheikhpura

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Ajay Kumar Thakur, Advocate Ms. Vaishnavi Singh, Advocate Mr. Ritwik Thakur, Advocate Md. Imtiyaz Ahmad, Advocate
For the Intervenor	:	Mr. Jai Prakash Verma, Advocate
For the Respondent/s	:	Mr. Binod Bihari Singh, APP

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI

and

HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI)

Date : 16-02-2026

The intervenor petitioner is the brother of the deceased.

2. The factual aspect leading to the petitioner to file the instant application may be summarized in the following words. The deceased is a married lady who had met with an unnatural death on receiving gunshot injury. After the death of the deceased her husband (appellant herein) filed a complaint before the police on the basis of which Sheikhpura P.S. Case No. 657 of 2023 under Section 307 of the IPC and 27 of the Arms Act was registered. Subsequent to the registration of FIR, the injured died and penal provision under Section 302 of the IPC was added. In course of investigation police came to the



finding that it is the informant who allegedly fired at his wife and charge-sheet was submitted under Section 302 of the IPC and Section 27 of the Arms Act. The case was registered as Sessions Trial No. 10/2024 and by a judgment of conviction, the appellant was held guilty for the offence under Section 302 of the IPC on 08th August 2025 and sentenced to suffer life imprisonment.

3. We have already recorded that the present petitioner is the brother of the deceased. He has filed the application with a prayer to allow him to be a party respondent in the instant appeal on the ground that he is the victim of the incident.

4. Mr. Ajay Thakur, learned Advocate on behalf of the appellant submits that the applicant cannot be said to be a victim within the meaning of Section 2 (wa) of the CrPC. The said provision defines “victim” in the following words:-

“The “victim” means a person who has suffered any loss or injury caused by reason of the act or omission for which the accused person has been charged and the expression “victim” includes his or her guardian or legal heir.”

5. It is submitted by Mr. Thakur that the intervenor petitioner is not the guardian of the deceased. Neither is he the legal heir; therefore, he has no right to contest the appeal in his



own right as a “victim”.

6. We have given an anxious thought over the matter. We are in agreement with the submission made by Mr. Thakur that the petitioner is not the guardian of the deceased. In respect of a married lady, her husband is the guardian. So far as the remaining condition that a legal heir of the deceased may also be treated as victim, we would like to state that in accordance with Hindu Succession Act, 1956 (Act No. 13 of 1956), which deals about general rules of succession in case of female in Hindu. The provision of law states as follows:-

“15. General rules of succession in the case of female Hindus.—(1) The property of a female Hindu dying intestate shall devolve according to the rules set out in section 16,—

(a) firstly, upon the sons and daughters (including the children of any pre-deceased son or daughter) and the husband;

(b) secondly, upon the heirs of the husband;

(c) thirdly, upon the mother and father;

(d) fourthly, upon the heirs of the father; and

(e) lastly, upon the heirs of the mother.

(2) Notwithstanding anything contained in sub-section (1),—

(a) any property inherited by a



female Hindu from her father or mother shall devolve, in the absence of any son or daughter of the deceased (including the children of any pre-deceased son or daughter) not upon the other heirs referred in sub-section (1) in the order specified therein, but upon the heirs of the father; and

(b) any property inherited by a female Hindu from her husband or from her father-in-law shall devolve, in the absence of any son or daughter of the deceased (including the children of any pre-deceased son or daughter) not upon the other heirs referred to in sub-section (1) in the order specified therein, but upon the heirs of the husband.”

7. A married lady has right over the property of his father and the brother of a female Hindu comes within the category of legal heir according to Clause (d) of sub-section 1 of Section 15 of Hindu Succession Act, 1956. In such view of the matter, the brother of a deceased married lady is a legal heir of the deceased victim for the purpose of contesting a criminal case/appeal, and as such, he is considered to be a victim, in our opinion.

8. The proviso to sub-section (8) of Section 24 clearly empowers the Court to permit the victim to engage an advocate of his or her choice to assist the prosecution under the said provision. The petitioner being the legal heir of the deceased



wants to intervene the instant appeal by engaging Mr. Jai Prakash Verma as an Advocate.

9. Considering the conspectus of the matter discussed above, we are of the view that the instant application is ought to be allowed and accordingly, the I.A. No. 01 of 2025 stands allowed. Further, the name of the applicant be added as respondent no. 2 in the instant Cr. Appeal (DB) No. 1486 of 2025.

10. The office is directed to incorporate the name of the petitioner as respondent no. 2 in the instant appeal.

11. The learned Advocate on behalf of the appellant is directed to serve a copy of memo of appeal to the learned Advocate for the applicant within one week from the date of this order.

12. The instant appeal be listed under the heading “For Admission” at the earliest.

(Bibek Chaudhuri, J)

(Dr. Anshuman, J)

suraj/-

AFR/NAFR	AFR
CAV DATE	N/A
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