

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28124 of 2020**

Arising Out of PS. Case No.-842 Year-2019 Thana- KUDHNI District- Muzaffarpur

Rahul Kumar Sahani @ Rahul Kumar, (male) aged about 18 years, S/o Late Rajdeo Sahani, Resident of Village-Kudhani, P.S.-Kudhani, District-Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sada Nand Roy, Advocate
For the State : Mr. Amitesh Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT**

Date : 27-01-2021

The matter has been heard via video conferencing.

2. Heard Mr. Sada Nand Roy, learned counsel for the petitioner and Mr. Amitesh Kumar, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State.

3. The petitioner apprehends arrest in connection with Kudhani PS Case No. 842 of 2019 dated 25.12.2019, instituted under Sections 341/323/324/307/302/34 of the Indian Penal Code.

4. The allegation against the petitioner and his mother is that they had killed the son of the informant who was the father of the petitioner.

5. Learned counsel for the petitioner submitted that the allegation is false and the father was an alcoholic and in a drunken



state, he had fallen on bricks due to which injury was caused and he died.

6. Learned APP submitted that the allegation cannot be brushed aside for the reason that it has been levelled by the father of the deceased against the grand son and daughter-in-law and it is not believable that a false case would be lodged against them without any motive. It was further submitted that the deceased was lying in the house and only when the informant came there, he saw and took him to the hospital where he was declared dead and the petitioner and his mother took no step. It was submitted that had it been the fact that he had fallen, then he could not have come to the house and if he came to the house, then the petitioner and his mother not taking him to hospital cannot be explained and raises strong finger towards their complicity in the crime.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to grant pre-arrest bail to the petitioner.

8. Accordingly, the application stands dismissed.

(Ahsanuddin Amanullah, J)

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