

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32288 of 2020

Arising Out of PS. Case No.-51 Year-2020 Thana- RAMGARHWA District- East Champaran

MUKESH TRIPATHI, S/o Late Balram Tiwari, R/o village-Nawkathwa, P.S.-
Ramgarhwa, District- East Champaran ... Petitioner

Versus

The State of Bihar ... Opposite Party

Appearance :

For the Petitioner	:	Mr. Gopal Govind Mishra, Adv.
For the State	:	Mr. Mrityunjaya Kumar Gautam, APP
For the Informant	:	Mr. Umesh Chandra Verma, Adv.

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

4 22-06-2021 Heard the parties through video conferencing.

The petitioner seeks pre-arrest bail in connection with Ramgarhwa P.S. Case No. 51 of 2020, pending in the Court of the Subdivisional Judicial Magistrate, Raxaul, East Champaran, registered under Sections 302 and 120B/34 of the Indian Penal Code.

The accusation is that Abhishek Kumar, aged about 24 years, son of Surendra Singh, was doing the work at the house of Dr. Mukesh Kumar Tripathi, situated in village Navkandwa since much before. Before 2 to 5 months Abhishek Kumar, son of the informant, Surendra Singh, returned to house and after 10 to 15 days Dr. Mukesh Kumar Tripathi came at the house of the informant and convinced Abhishek Kumar, son of the informant, to accompany him to his house. When Abhishek Kumar, son of the informant, had come to his house from the house of Dr.



Mukesh Kumar Tripathi, then, on query, he disclosed that he left the house of Dr. Mukesh Kumar Tripathi due to indulgence in love and offer of wife of Dr. Mukesh Kumar Tripathi on the occasion of holi. On 07.03.2020 Abhishek Kumar, son of the informant had sent to house grocery material while some grocery material was kept by him. On 08.03.2020, informant, Surendra Singh, and his wife talked to his son, but, he was easy and his son also asked them to come to his house on 09.03.2020, but, on 08.03.2020, in the night, informant received information about murder of his son. On reaching the house of Dr. Mukesh Kumar Tripathi, the main gate was found locked and all rooms of the house were opened and there was sign in the neck of his son, Abhishek Kumar. The informant raised suspicion about committing murder of his son, Abhishek Kumar, in conspiracy with Dr. Mukesh Kumar Tripathi due to felling of love of his wife with Abhishek Kumar, the son of the informant.

The learned counsel for the petitioner submits that it would appear from the case diary that a suicidal note was found in the pocket of Abhishek Kumar, son of the informant, in which it is detailed that he is committing suicide due to torture of two girls, Juli Kumari and Asha Kumari, and it has also come in the first information report itself that when before the death of the



son of the informant, he talked to his parents and his family members, he was happy.

On the other hand, learned counsel for the informant submits that in the post mortem examination the doctor expressed his opinion that the cause of death is strangulation due to asphyxia and the dead body was also found in the room, situated in the house of the petitioner and the gate of the house was also locked from inside.

Having regard to the facts and circumstances of the case, I am not inclined to grant the privilege of pre-arrest bail to the petitioner. The prayer for pre-arrest bail is **rejected** with direction to the petitioner to surrender before the Court below and seek regular bail, which shall be considered by the trial Court on its own merit, without being prejudiced of this order.

(Rajendra Kumar Mishra, J)

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