

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19152 of 2021**

Arising Out of PS. Case No.-172 Year-2020 Thana- MOHIUDDIN NAGAR District-
Samastipur

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1. NITISH KUMAR SON OF SHRI VINOD RAY R/O VILLAGE- NAVTOL TARA, P.S.- MOHIUDDIN NAGAR, DIST.- SAMASTIPUR
 2. MITHILESH KUMAR SON OF SHRI RAM NARESH RAY R/O VILLAGE- NAVTOL TARA, P.S.- MOHIUDDIN NAGAR, DIST.- SAMASTIPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashank Shekhar, Advocate
For the Opposite Party/s : Mr. Mohammad Sufyan, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 10-02-2022 Heard learned counsel for the petitioners and learned
APP for the State.

Learned counsel for the petitioners is expected to honour his undertaking given in the instant case for depositing the requisite court fee and to remove the defect(s) as pointed out by the office when called upon to do so by the office.

The petitioners are apprehending their arrest in connection with Mohinuddinnagar P.S. Case No. 172 of 2020 pending in the Court of ACJM-IV, Samastipur in a case registered for the offences punishable under Sections 376(2)(g), 302 and 201/34 of the Indian Penal Code.

Prosecution case nutshell is that all the accused



persons along with petitioners forcibly caught the mother of the informant while she had gone for call of nature, giving intoxicating substance and committed rape upon her and lastly killed her by drowning in a pond and also viral photo.

It is submitted by learned counsel for the petitioners that the petitioners have falsely been implicated in this case. He further submits that there is no consistent evidence against the petitioners and postmortem of the deceased has not been conducted in this case as such, the prosecution story is false and baseless.

From perusal of case diary, it appears that the witnesses have supported the prosecution case in para no.92 and also during the course of investigation, the case is found to be true against the petitioners along with other co-accused persons and it is also a case of heinous crime in nature, as such, I am not inclined to grant anticipatory bail to the petitioners.

Prayer for anticipatory bail is rejected.

(Sunil Kumar Panwar, J)

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