

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20115 of 2022**

Arising Out of PS. Case No.-128 Year-2021 Thana- BEERPUR District- Begusarai

GAUTAM KUMAR SON OF PARVEEN RAI @ PRAVEEN RAI R/O
VILLAGE- DHARMPUR, NAREPUR, P.S.- BACHHWARA, DISTRICT-
BEGUSARAI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sandip Kumar Gautam, Advocate

For the Opposite Party/s : Mr.Choubey Jawahar, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER**

3 03-01-2023 Heard the learned counsel appearing for
the petitioner and learned A.P.P. appearing for the
State.

The petitioner seeks regular bail in
connection with Birpur P.S. Case No. 128 of 2021
for the offence punishable under Sections 302, 201
and 120(B) of the Indian Penal Code.

The case of the prosecution, in brief,
according to the informant is that he along with his
entire family had gone to participate in a function
at his sister's place on 20.10.2021, however, on
21.10.2021 he was informed by his co-villagers
that his brother has been murdered and his dead



body has been thrown in the field of Sanjay Singh whereafter he had returned back to his home where he saw that his brother had been killed by means of sharp cutting weapon. It is also alleged that the sister-in-law of the informant namely Nitu Devi, who was having illicit relationship with the petitioner herein on account of which quarrel used to take place in between the brother and sister-in-law of the informant, had not gone for the function by making an excuse. It has been alleged that the brother of the informant was killed by the petitioner.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case, is having a clean antecedent and he is languishing in custody since 11.01.2022. The learned counsel for the petitioner has further submitted that neither there is any eye witness to the alleged occurrence nor there is any material so as to connect the petitioner with the alleged occurrence, hence the petitioner be granted the privilege of bail.



Per contra, the learned A.P.P. appearing for the State has vehemently opposed the prayer for bail and has submitted, by referring to the case diary, that there are ample materials on record to show the complicity of the petitioner in the alleged crime and the witnesses whose statement have been recorded by the police have unanimously stated that illicit relationship was existing in between the wife of the deceased and the petitioner herein. It is also submitted that the wife of the deceased namely Nitu Devi has also accepted, in her statement, that the petitioner in connivance with her had hatched a plan to eliminate her husband and on the fateful night, when the entire family members had gone away, she had informed the petitioner that her husband was alone in the house, whereafter, the petitioner along with his accomplices had arrived at the house of the informant and killed him.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the



petitioner and taking into account the materials available in the case diary, this Court finds that the complicity of the petitioner in the alleged crime is writ large from the records and *prima facie* the petitioner has been found to have committed heinous crime of having killed the brother of the informant, hence I am not inclined to grant bail to the petitioner, thus the present petition stands dismissed.

(Mohit Kumar Shah, J)

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