

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27339 of 2023

Arising Out of PS. Case No.-2 Year-2022 Thana- GAIGHAT District- Muzaffarpur

BRAJESH RAI Son of Mita Ram Rai Resident of Village - Jamalpur Kodai,
P.S.- Gaighat, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun Kumar, Advocate

For the Opposite Party/s : Mr. Md. Iftekhar Mahmood, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 21-07-2023 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends his arrest in connection
with Gaighat P.S. Case No. 02 of 2022 registered for the
offences punishable under Sections 302 and 34 of the Indian
Penal Code.

3. Learned counsel for the petitioner submits that the
petitioner is a person with clean antecedent and the informant
alleges that petitioner came to her house and called her son and
took him to his house but when her son did not return, she
searched and came to know that petitioner had taken her son
somewhere, it is further alleged but when the informant called
her son on his mobile, his mobile was switched off, it is next
alleged that on the next day, the dead body of her son was



recovered with sign of assault thus alleges that petitioner along with unknown persons killed her son.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case, it is next submitted that the petitioner and the informant are agnates and on account of land dispute, the informant has falsely implicated him, it is further submitted that petitioner on the date of occurrence was not present in the village. It is also submitted that informant is not an eyewitness to the occurrence and the entire allegation hinges around suspicion.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner and submits that though petitioner is taking a plea of alibi but then it completely defies all logic, wisdom and reasonable motherly behavior that a mother would falsely allege that the petitioner had come and called his son, learned APP thus submits that to this extent that the petitioner had come and called his son, for the present, cannot be unbelieved, it is next submitted that it is true that informant is not an eyewitness to the occurrence and based on suspicion it is being alleged that petitioner might have killed her son but then the plea of alibi taken by the petitioner does not show his bonafides.



Considering the submissions made by the learned
A.P.P. for the State, the Court is not inclined to extend the
privilege of anticipatory bail to the petitioner. His prayer for
anticipatory bail is thus rejected.

(Satyavrat Verma, J)

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