

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35970 of 2023

Arising Out of PS. Case No.-437 Year-2022 Thana- BIBHUTIPUR District- Samastipur

BHOLA RAI @ BHOLA RAY @ AMIT KUMAR @ BHOLA SON OF
RAJBALI RAI @ RAJBALI RAY RESIDENT OF VILLAGE- BIHAT,
WARD NO. 27, PS- BARAUNI, DISTT- BEGUSARAI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Ajit Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 28-08-2023 Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State.

2. Petitioner apprehends his arrest in connection with
Bibhutipur P.S. Case No.437/2022, registered for the offence
punishable u/s 302, 201, 34 of the IPC.

3. As per the prosecution case, the F.I.R. named accused
persons including the petitioner forcibly took away the nephew
of the informant and murdered him by hanging and thrown the
dead body into an agriculture field.

4. It is submitted by learned counsel for the petitioner that
petitioner is quite innocent and has committed no offence. He
has been falsely implicated in this case merely on suspicion. No
such occurrence, in the manner as alleged, has ever taken place.



The allegation leveled against the petitioner is not specific rather general and omnibus in nature. There is an inordinate delay of two days in lodging the F.I.R., which creates doubt about the prosecution case. He has four criminal antecedent.

5. Learned APP for the State opposed the prayer for bail by submitting that petitioner is also involved in the present occurrence, which is clear from the case diary.

6. Having regard to the facts and circumstances of the case and considering the nature of allegation, I am not inclined to enlarge the petitioner on bail. The prayer for grant of anticipatory bail on his behalf is hereby rejected.

7. This application is accordingly dismissed.

(Anjani Kumar Sharan, J)

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