

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13662 of 2024

Arising Out of PS. Case No.-427 Year-2022 Thana- BIRAUL District- Darbhanga

RAJ KUMAR MUKHIYA S/O KAPOOR CHANDRA MUKHIYA @ LATE
KHARPUJAN MUKHIYA R/O VILLAGE- RAJBANNI, P.S- BIRAUL,
DISTT.- DARBHANGA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vinay Kumar Mishra, Adv.

For the Opposite Party/s : Mr. J.N. Thakur, APP

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

4 25-07-2024 Heard learned counsel for the petitioner as well as
learned APP for the State.

2. In this case, the petitioner is seeking regular bail
in connection with Biraul P.S. Case No. 427 of 2022, registered
for the offences punishable under Sections 302 of the Indian
Penal Code.

3. The informant states in the FIR that on
28.11.2022 her husband went out of his house but did not return.
In next morning, one Vijay Sada informed that her husband was
murdered and his dead body was lying in east of Kichka Tol
Mushahari. The informant, her sons and daughter went there and
saw the dead body of her husband. They also noticed the
excessive bleeding and the injury was caused by sharp cutting



weapon. A blood-soaked towel was also found there. The FSL team came and took the dead body of her husband.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated. No one has seen the occurrence and there is missing link in the chain of circumstantial evidences. His further submission is that the petitioner has been implicated in this case only on the basis of suspicious and he is under custody since 02.12.2022.

5. On the other hand, learned APP, Shri J.N. Thakur opposed the prayer for bail by submitting that during investigation it was detected that the blood-soaked towel belonged to the petitioner. The police also recovered a dagger, one shirt and one *lungi* from the house of the petitioner along with blood-soaked towel which was lying near the dead-body.

6. Considering the above-mentioned facts and circumstances, the complicity of the petitioner *prima facie* appears in the occurrence, as such, he does not deserve the privilege for bail.

(Nawneet Kumar Pandey, J)

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