

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35127 of 2024

Arising Out of PS. Case No.-114 Year-2021 Thana- BARGAINIA District- Sitamarhi

Guddu Kumar S/o Late Shambhu Singh R/o vill - Ashogi, ward no. 3, P.S. -
Bairgania, Distt. - Sitamarhi

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mrs. Madhubala Verma
For the Opposite Party : Mr. Narsingh Tanti

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

4 20-09-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Bairgania P.S Case No. 114/2021 dated 11.06.2021 registered for the offence punishable u/s 302 read with 34 of the Indian Penal Code.

3. As per the prosecution case, the petitioner and the co-accused persons along with 3-4 unknown persons are alleged to have assaulted the husband of the informant with dabia, garasa and axe and killed the informant's husband and fled away.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in



this case. Learned counsel has submitted that Badri Singh and his son, during the course of investigation was found to be actively involved in the murder of Ranjeet @ Khiyalaka who is the agnate of the informant and there is also a land dispute between them. It is further submitted that during the course of investigation some witnesses have stated before the police that Badri Singh and his son was taking out the dead body of Ranjeet from his house and put the dead body in front of the house of the informant on the night of 10.06.2021 at about 11:30 PM and with this regard Bairgania P.S. Case No. 131/2021 has been instituted by one Tripti Arya. The other co-accused person has already been granted bail by this court *vide* order dated 04.08.2023 passed in Cr. Misc. No. 47499/2023. The petitioner has two criminal antecedents as stated in para 3 of the bail petition.

5. Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioner. As per para. 96 of the case diary, the deceased wife in her statement recorded u/s 164 of the Cr.P.C. has stated that, the accused persons threatened them to withdraw the case otherwise they would again commit murder. The witness Kishore Singh in his statement recorded u/s 164 of the Cr.P.C. has stated that the



petitioner and the co-accused persons committed murder of his son and put his dead body at his door. They also threatened to kill.

6. Considering the aforesaid facts and circumstances and the heinous nature of allegation against the petitioner, I am of the view that no case for grant of anticipatory bail is made out. The petition is rejected and the petitioner is directed to surrender to the Court below within six weeks from the date of this order and the Court below may consider the prayer of the bail of the petitioner in accordance with law and on its own merits without being prejudice by this order.

(Chandra Prakash Singh, J)

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