

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53532 of 2024**

Arising Out of PS. Case No.-534 Year-2023 Thana- NAANPUR District- Sitamarhi

Gauri Rai Son Of Late Asharfi Rai Village- Bhaurgardh, P.S.- Nanpur
(bokhara), District - Sitamarhi Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

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

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

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA
ORAL ORDER**

2 02-08-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection with Nanpur Police Station Case No. 534 of 2023 registered for the offence under Sections 302, 201 and 120(B) of the Indian Penal Code.

3. As per the prosecution case, on 23.10.2023 at about 9 PM, the co-accused persons, namely Arjun Rai and Santosh Rai came to the house of the informant. They called the son of the informant to accompany them to Mela. The son of the informant after taking his meals went out of his house along with the above named accused persons. The informant also went to see the Mela. The informant returned after midnight but the son of the informant did not return. On the next morning, the informant received a call on mobile phone that somebody had killed his son and had thrown the dead body of his son in the field near his



house. The informant went to the place of occurrence and saw the dead body of his son in the field of Rabindra Sahi. He also found a ligature mark around the neck of his son. It has been alleged that love affairs was going on in between the son of the informant and Sheela Kumari the daughter of the petitioner. The petitioner along with other co-accused persons, under a well hatched conspiracy, strangled the informant's son in order to put an end to the love affairs.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. He further submits that there is no eye witness to the alleged occurrence and no circumstantial evidence on record.

5. However, learned APP for the State vehemently opposes the prayer for anticipatory bail of the petitioner and submitted that the investigation could be affected, if the petitioner would be granted privilege of anticipatory bail. It is also submitted that interrogation of the petitioner in police custody is also required.

6. Considering the facts and circumstances of the case and nature of allegation levelled against the petitioner for committing murder of the son of the informant and the investigation is pending for proper investigation of the case, so I am not inclined to grant bail to the petitioner.



7. Accordingly, the prayer for anticipatory bail of the petitioner is hereby rejected.

(Ramesh Chand Malviya, J)

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