

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82413 of 2023

Arising Out of PS. Case No.-128 Year-2021 Thana- BEERPUR District- Begusarai

GAUTAM KUMAR Son Of Parveen Rai @ Praveen Rai R/O Village-
Dharmpur, Narepur, P.S.- Bachhwara, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mrs. Namita Sharma @ Mrs. Namita Kumari, Advocate
		Mr. Anshu Dhar Sharma, Advocate
For the Opposite Party/s :		Mr. Mohammad Sufyan, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 12-01-2024 Heard the learned counsel for the
petitioner and the learned APP for the State.

2. The present petition is by way of second attempt at the behest of the petitioner for grant of regular bail in connection with Birpur P.S. Case No.128 of 2021 instituted for the offences punishable under Sections 302, 201 and 120B of the Indian Penal Code, inasmuch as the earlier prayer of the petitioner for grant of regular bail has stood rejected by this Court vide order dated 03.01.2023, passed in Cr. Misc. No.20115 of 2022.

3. The case of the prosecution, in brief, according to the informant is that he along with



his entire family had gone to participate in a function at his sister's place on 20.10.2021, however, on 21.10.2021 he was informed by his co-villagers that his brother has been murdered and his dead body has been thrown in the field of Sanjay Singh whereafter he had returned back to his home where he saw that his brother had been killed by means of sharp cutting weapon. It is also alleged that the sister-in-law of the informant namely Nitu Devi, who was having illicit relationship with the petitioner herein on account of which quarrel used to take place in between the brother and sister-in-law of the informant, had not gone for the function by making an excuse. It has been alleged that the brother of the informant was killed by the petitioner.

4. The learned counsel for the petitioner submits that the petitioner is languishing in custody since 11.01.2022, hence a sympathetic view be taken and the petitioner be granted bail. It is also submitted that the petitioner is having a clean antecedent.



5. *Per contra*, the learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail and has submitted by referring to the aforesaid order dated 03.01.2023 that this Court had considered all the materials on record and had come to a finding, on the earlier occasion, that the complicity of the petitioner in the alleged crime is writ large from the records and the petitioner in connivance with the wife of the deceased, namely, Nitu Devi had hatched a plan to eliminate her husband and on the fateful night, when the entire family members had gone away, she had informed the petitioner that her husband was alone in the house, whereafter the petitioner along with his accomplices had arrived at the house of the informant and killed him.

6. Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record, this Court finds that the complicity of the petitioner in the alleged crime is



writ large and *prima facie* the petitioner is involved in commission of a heinous crime of having killed the brother of the informant, apart from the fact that there is no change in circumstance so as to warrant reconsideration of the prayer of the petitioner for grant of regular bail, hence I do not find any merit in the present petition, thus the present petition stands dismissed, being bereft of any merit.

(Mohit Kumar Shah, J)

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