

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22028 of 2025

Arising Out of PS. Case No.-269 Year-2024 Thana- KARJA District- Muzaffarpur

1. Bhairo Rai Son of Satahu Rai Resident of village - Bhatauna, P.S.- Karja, District - Muzaffarpur (Bihar).
2. Arvind Kumar Son of Bhairo Rai Resident of village - Bhatauna, P.S.- Karja, District - Muzaffarpur (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nachiketa Jha, Advocate
For the State : Mr. Md. Shakir Ahmad, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 23-07-2025 Heard Mr. Nachiketa Jha, learned counsel for the petitioners and Mr. Vivek Kumar Pandey, learned counsel representing the informant as also learned APP for the State.

2. The petitioners are apprehending their arrest in connection with Karja P.S. Case No. 269 of 2024 for the offence punishable under Sections 137(2), 103(1) and 3(5) of the Bharatiya Nyaya Sanhita, lodged on 04.12.2024 by the informant Sarda Devi.

3. As per the prosecution story, the informant alleged that his son went to bed but was missing next morning, the call went unattended whereafter it was switched off. Expecting that the son has been kidnapped, the F.I.R.



4. As the story unfolds, subsequently the dead body was recovered whereafter Jai Rai @ Jai Mangal Rai was picked up. He made confession stating that as he was away for his job, the deceased started coming to his house and despite objection, he continued relationship with his wife. Later, he came in contact with petitioner no.1, Bhairo Rai who was also having problem due to land dispute with the deceased. Both conspired whereafter under planning, the deceased was assaulted and later putting him in a gunny bag, was thrown near the banks of Pratappur chaur.

5. Learned counsel for the petitioners submit that the confession has been made after the recovery and not the other way round. Both the father and son have deliberately been implicated, none have criminal antecedent and there is delay in lodging of the F.I.R.

6. Learned counsel for the informant on the other hand opposes the prayer for bail submits that the confessional statement clarifies everything, both Bhairo Rai and Jai Mangal Rai had grudge, though for different reason and in that background, under conspiracy, the killing was executed.

7. Taking into account the aforesaid facts as also the motive that led to the killing, role of both the petitioners have



been assigned, in that background, it is not a fit case for grant of anticipatory bail.

8. Accordingly, the anticipatory bail application stands rejected.

9. Nothing recorded in the present order shall be taken up for consideration at the time of trial as it has been recorded only for the purpose of considering the anticipatory bail.

(Rajiv Roy, J)

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