

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31321 of 2025

Arising Out of PS. Case No.-137 Year-2024 Thana- HASANPUR District- Samastipur

Rajendra Pathak Son of Late Jagdish Pathak village- Atapur, ps- Hasanpur,
Dist- Samstipur Petitioner

Versus

The State of Bihar ... Opposite Party

Appearance :

For the Petitioner	:	Mrs.Vaishnavi Singh, Advocate
For the Opposite Party	:	Mr.Prem Kumar Jha, A.P.P. Mr. Aditya Raj, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 06-08-2025 Heard learned counsel for the petitioner, the State and the informant.

2. Petitioner apprehends arrest in a case registered for the offence punishable under sections 103(1), 61(2) and 3(5) of the BNS, 2023.

3. As per the prosecution case, when informant's brother was returning to the house from a feast, all the FIR named accused persons including this petitioner and 8 to 10 unknown accused persons, by showing weapons, tied a rope around neck of brother of the informant and killed him and hanged the dead body to the ceiling fan.

4. Learned counsel appearing for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He submits that as per the FIR, incident has happened after 10 pm and informant has not disclosed name of person(s) accompanying his brother at the relevant time as well as the source as to how he could know involvement of this petitioner in the alleged offence. Learned counsel submits that no specific overt act has been alleged against the petitioner in the FIR. However, in later part of investigation, due to previous



enmity, only suspicion has been drawn against co-accused Santosh Pathak and petitioner happens to be father of said co-accused Santosh Pathak. Learned counsel submits that save and except suspicion, there is no other direct or indirect evidence against the petitioner to show his complicity in the occurrence. F.I.R. has been lodged after inordinate delay of four days without any explanation which renders the entire prosecution case doubtful.

5. Learned counsel for the State and the informant oppose the prayer for bail. Learned counsel for the informant submits that there is direct and specific allegation in the FIR that this petitioner and other accused persons strangled the deceased with a rope and staged it as a suicide due to a prior dispute involving an illicit affair. Even regular bail petition of co-accused Santosh Pathak has been dismissed by a co-ordinate bench of this Court vide order dated 31.7.2025, passed in Cr.Mis.No. 27194 of 2025.

6. Considering the nature and gravity of allegation coupled with the fact that petitioner has criminal antecedent and prayer for regular bail of co-accused Santosh Pathak has already been dismissed by a co-ordinate bench of this Court, prayer for pe-arrest bail of the petitioner is rejected.

(Prabhat Kumar Singh, J)

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