

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32244 of 2025

Arising Out of PS. Case No.-158 Year-2024 Thana- GAMAHARIYA District- Madhepura

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RUPESH KUMAR Son of Rajendra Yadav @ Sanjay Yadav Resident of
Village - Bhawanipur, P.S.- Singheshwar, District - Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra, Advocate

For the Opposite Party/s : Mr. Suman Kumari Singh, A.P.P

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 13-08-2025 Heard learned counsel for the petitioner and learned
A.P.P for the State.

2. The petitioner is apprehending arrest in connection with Gamhariya P.S. Case No.158 of 2024 lodged on 22.08.2024, for the offence punishable under Sections 126(2), 115(2), 103(1) & 61(2) of the Bharatiya Nyaya Sanhita, 2023, pending in the Court of A.C.J.M.-VI, Madhepura.

3. As per the prosecution, FIR has been lodged against two named accused persons including the present petitioner. It has been alleged in the FIR that on 07.08.2024, the petitioner along with other co-accused person called the informant's son from his house. Subsequently, on the evening of the same day, it



was informed that the informant's son had been admitted to the Medical College, Madhepura. However, on 11.08.2024, the informant's son died during the course of treatment at Darbhanga, where he was referred for better medical care. The informant suspects that the death of his son was caused due to a conspiracy by the petitioner and another co-accused person, and resulted from a brutal assault.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Counsel submits that the death of the deceased (informant's son) has been caused due to accident and during the course of treatment, informant's son died and name of petitioner has figured in this case only on the basis of suspicion. Counsel further submits that the petitioner has no criminal antecedent.

5. Learned APP for the State opposes the prayer for bail of the petitioner and submits that the petitioner is the last seen person with the deceased and allegation of murder is there in the FIR.

6. In the present facts and circumstances, this Court is not inclined to grant bail to the petitioner. Accordingly, the prayer for anticipatory bail of the petitioner is hereby rejected with liberty that if, petitioner surrenders before the concerned



Trial Court within a period of six weeks from today then in that case, the Trial Court is directed to pass order on his surrender-cum-bail application on the same day, without being prejudice that the anticipatory bail of the petitioner has been rejected by this Court and the Trial Court shall pass order on the merit of this case.

(Dr. Anshuman, J)

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