

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51780 of 2025

Arising Out of PS. Case No.-8 Year-2019 Thana- AHIYAPUR District- Muzaffarpur

Jiwachh Rai S/o Nokhelal Rai R/o Village - Jahangirpur, P. S.- Ahiyapur,
District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sumit Jha

For the Opposite Party/s : Mr. Brajendra Nath Pandey

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 01-09-2025 1. Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 304/34 of the Indian Penal Code.

3. Learned counsel for the petitioner submits that petitioner is a person with clean antecedent and the informant alleges that on 01.01.2019, Bindeshwar Rai came to her house and took her husband to his field at around 5.00 P.M. but her husband did not return till late night, accordingly, the informant went to the house of Bindeshwar Rai (elder brother-in-law) in search of her husband but she was informed that her husband has left the place, on way to the home, she met a child, who disclosed that accused persons assaulted her husband and was



taken to hospital for treatment, as such, the informant alleges that she came to know that Bindeshwar, Jagarnath and their family members assaulted her husband as a result of which he sustained injury and died during the course of treatment.

4. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case by the informant. It is next submitted that from perusal of the allegation as alleged in the FIR, it would manifest that petitioner is not named in the FIR. It is also submitted that the informant alleges that on her way back to home, she met a child, who disclosed about the occurrence but then the child did not take the name of the petitioner. It is further submitted that petitioner is agnate of Bindeshwar Rai, as such he came to be implicated during the course of investigation. it is also submitted that petitioner will not abscond rather will cooperate in the investigation to prove his innocence.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on



anticipatory bail on furnishing bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Ahiyapur P.S. Case No.8/2019 (arising out of S.T No.265/2024), subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. Further, one of the bailors of the petitioner shall be his father, namely, Nokhelal Rai.

8. It is made clear that in the event if the Investigating Officer of the case files an application before the learned trial court bringing to its notice that the petitioner despite giving assurance to this court is not co-operating in the investigation in that event the learned trial court shall be at liberty to cancel the bail bonds of the petitioner.

9. It is further made clear that in the event if charge sheet is submitted connecting the petitioner with the offence, in that event, the present anticipatory bail order shall loose its effect.

(Satyavrat Verma, J)

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