

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62036 of 2024

Arising Out of PS. Case No.-12 Year-2024 Thana- NIMACHANDPURA District- Begusarai

Gautam Rai @ Gautam Kumar Son of Kapil Deo Rai @ Kapil Dev Ray R/o
Village- Jagdishpur, Araiya, Ramanand Nagar (Kushmahaut), P.S.-
Nimachandpura, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sandip Kumar Gautam, Advocate
For the Opposite Party/s	:	Mr. Rajiv Nayan, APP
For the Informant	:	Mr. Anshul Aaryan, Advocate

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

4 31-01-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State as also learned counsel for the informant.
Perused the case diary.

2. The petitioner apprehends his arrest in connection
with Nimachandpura P.S. Case No. 12 of 2024 registered for the
offences punishable under Sections 323, 341, 307, 379, 504, 506
& 34 of the Indian Penal Code (IPC) and subsequently, Section
302 of the IPC was also added.

3. Prosecution case in short is that on 06-02-2024,
brother of the informant was called for by Raja Babu @ Raja
Rai at about 7:15 P.M. It is alleged that at about 9:00 PM
informant received an information that his brother is seriously



injured and is lying unconscious at Maksudan Tola on the road, whereafter informant along with his brothers rushed to the spot and thereafter they took the injured to hospital. It is further alleged that accused have taken away a gold chain of the brother of the informant worth Rs. 60,000/-. It is also alleged that brother of the informant had given Rs. 2,00,000/- loan to the Raja Rai six months prior to the incident and he believed that in order to digest the aforesaid money, under a conspiracy co-accused, namely, Raja Rai @ Raja Babu, Bihari Rai, Kapildeo Rai, Gautam Rai (petitioner), Jitendra Rai called his brother from the house and brutally assaulted him and left him on the road.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case. There is inordinate delay of four days in lodging of the FIR. It is submitted that motive assigned is completely fabricated as the loan was never advanced to the co-accused. It is submitted that none of the witnesses during entire investigation have stated that accused persons were carrying any kind of weapon or had assaulted the deceased using any weapon. It is lastly submitted that charge sheet has been submitted in this case.



5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. Referring to paragraph No. 70 of the case diary, it is submitted that wife of the deceased stated that during course of treatment deceased told the name of the petitioner and others being involved in the occurrence, which amounts to dying declaration. Hence, he does not deserve the privilege of anticipatory bail.

6. Considering the rival submissions made by the learned counsel for the parties, this Court is not inclined to grant anticipatory bail to the petitioner. Prayer for grant of anticipatory bail is, accordingly, *rejected*.

7. However, if the petitioner surrenders before the court below within a period of four weeks from today and prays for regular bail, the same would be considered by the court below in accordance with law without being prejudiced by the order of this Court.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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