

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61571 of 2025

Arising Out of PS. Case No.-268 Year-2021 Thana- GOPALPUR District- Gopalganj

SHUBHNATH RAI @ SHUBHNATH RAY Son of Late Jagdish Rai Resident
of village - Ahirauli Dubauli, Police Station - Gopalpur, District - Gopalganj,
Bihar.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agarwal, Sr. Advocate Mr. Rahul Kumar Dubey, Advocate Mr. Aman Ashesh, Advocate Mr. Kumar Prateek, Advocate
For the State	:	Mr. Bharat Bhushan, APP
For the Informant	:	Mr. Shubesh Pandey, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 15-09-2025 Heard Mr. N.K. Agarwal, learned Senior Counsel for
the petitioner and Mr. Shubesh Pandey, learned counsel
representing the informant beside Mr. Bharat Bhushan, learned
APP for the State.

2. The petitioner is apprehending arrest in connection
with Gopalpur P.S. Case No. 268 of 2021 instituted under
Sections 147, 148, 149, 323, 324, 302, 307, 448, 354B, 504, 506
of the Indian Penal Code lodged on 26.11.2021 by the
informant, Aseraj Rai.

3. As per the prosecution story, the informant,
Vidyanti Devi (since deceased) alleged that in the morning of
26.11.2021, named accused persons armed variously came at the



entrance of the house and after abuse, they asked why the case against them is not being withdrawn. Upon refusal to do so, they resorted to merciless beating. When the other family members came to the rescue, this petitioner with 'lathi' assaulted the deceased's son and the daughter. Others have also resorted to the assault causing injuries. As the story unfolds, the lady Vidyanti Devi succumbed to the injuries. This led to the FIR.

4. Learned Senior Counsel submits the Police after investigation, submitted final form, later cognizance taken, they moved before the learned Sessions Judge in revision which was allowed. However, as they were summoned under section 319 of the Cr.P.C., that necessitated the present case.

5. Learned counsel representing the informant submits that despite clear allegation against this petitioner, for the reasons best known, the final form was submitted against them. It was only after cognizance taken that they were summoned. Again, revision application filed, allowed. It was only during a trial that the learned Trial Court upon looking into the materials on record, summoned them. Now, they have approached first the learned Sessions Judge and then this Court.

6. Having gone through the facts of the case as also



the development that has unfold in the present case, a murder took place, merciless beating of other family members also happened, the paragraph-3 shows that the petitioner has criminal antecedent, he is named accused and role is also assigned to him, in that background, it would be appropriate, he faces the trial.

7. The anticipatory bail stands rejected.

(Rajiv Roy, J)

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