

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80308 of 2024

Arising Out of PS. Case No.-481 Year-2023 Thana- MUZAFFARPUR SADAR District-
Muzaffarpur

Arvind Rai son of Jawahar Rai @ Jawahar Ray Resident of Village-
Madhopur Police Station -Maniyari District -Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nilendu Kumar Choudhary
For the Opposite Party/s : Mr.Anand Kishore Choudhary

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 24-02-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Sadar P.S. Case No. 481 of 2023 dated 21.05.2023 registered for the offences punishable under Sections 302/34 of the I.P.C. and Section 27 of the Arms Act.

3. As per the prosecution case, some unknown person fired on the informant's husband. In the meantime, the petitioner Arvind Rai made several firing on the head and neck of informant's husband, Bhola Kumar @ Indian in injured condition and fled away alongwith his associate on



the motorcycle. Thereafter, he was taken to the hospital where he died. The informant came to know that the co-accused Mukesh Sah, who is the associate of Arvind Rai, gave information regarding activity of her husband to the petitioner prior to the alleged occurrence. She believes that the petitioner and the co-accused persons alongwith other shooters killed her husband. The co-accused Md. Irfan is the resident of Samastipur and her husband had land dispute with him. Earlier, Arjun Rai and the petitioner Arvind Rai gave threatening to kill her husband.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. Learned counsel has submitted that the brother of the deceased, namely, Raju Rai has filed a Complaint Case No. 3400 of 2024 stated that on a day while his brother was not present in the house, he found informant in compromising condition with one Manish Kumar, thereafter, his brother assaulted the informant Puja Kumari. After that incident she regularly threatened him of dire consequences and on 21.05.2023, she in conspiracy with Manish Jha killed his brother. After two days of the occurrence, she came at his room and threatened him to leave the house otherwise he would also



be killed. Thereafter, on 05.07.2023, he filed an informatory petition before the Executive Magistrate, West Muzaffarpur. The other co-accused person has already been granted bail by this court *vide* order dated 19.12.2023 passed in Cr. Misc. No. 76056/2023. The petitioner has six criminal antecedents and he is on bail in all the aforesaid cases as stated in para 3 of the bail petition.

5. Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioner by submitting that the specific allegation of firing is against the petitioner as stated in the F.I.R. The co-accused has been granted bail by this court as stated above which is different from the case of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the specific and heinous nature of allegation against the petitioner, I am of the view that no case for grant of anticipatory bail is made out. The petition is rejected and the petitioner is directed to surrender to the Court below within six weeks from the date of this order and the Court below may consider the prayer of the bail of the petitioner in accordance with law and on its own merits without being prejudice by this order.



7. This application stands rejected.

(Chandra Prakash Singh, J)

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