

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81132 of 2024

Arising Out of PS. Case No.-77 Year-2024 Thana- HAYAGHAT District- Darbhanga

Mukesh Ray S/o Late Pavitra Ray R/o Village - Gorihari P. S. - Hayaghat,
Dist. - Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Virendra Kumar, Advocate

For the Opposite Party/s : Mrs.Asha Devi, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 11-02-2025 Heard Mr. Virendra Kumar, learned counsel for the
petitioner and Mrs. Asha Devi, learned APP for the State.

2. The petitioner is in judicial custody in connection with Hayaghat P.S. Case No. 77 of 2024 for the offence punishable under Sections 302/34 of the Indian Penal Code lodged on 17.06.2024 by the informant, Amar Nath Rai.

3. As per the prosecution story, the informant alleged that the petitioner who is elder brother had issue due to land dispute with the father as he had transferred more than of his share to his wife. Subsequently, the killing of the father took place and the informant has reason to belief that the petitioner's husband executed the same.

4. Learned counsel for the petitioner submits that he is younger brother is/was inimical to him and as such after the



murder of the father took place, he got an opportunity to implicate him. His wife Seema Devi has been granted bail in Cr. Misc. No. 81535 of 2024 on 28.11.2024.

5. Learned APP on the other hand has taken this Court to the submission made in Seema Devi's case to show that it was recorded that main allegation is against husband, she being the housewife had no role to play and in that background, the bail was allowed.

6. It is her further submission that a perusal of the case diary would show that a month ago, the petitioner alongwith his wife had beaten the deceased and only due to timely intervention of the villagers, he could be saved. This has been recorded in the case diary by one of the villager namely Rangeela Devi. The further statement is that prior to the incidence, this petitioner had removed his children from the house and kept in the in-laws house. He also ensured that all his household materials go out of the said house.

7. She has further taken this Court to the call records to show that repeatedly, the phone of the petitioner was switched off on the day the incident took place. Further, according to the petitioner, he came to know about the occurrence that took place in the night at 9:00 AM and again the statement of the wife



Seema Devi is that she came to know about it at 10:00 AM and when she tried to reach her husband, his phone was switched off.

8. Having heard the parties, contrary to the submission of the learned counsel for the petitioner that it is only due to land dispute that he stands implicated, the circumstance that has been recorded above and has come in the case diary clearly points finger towards this petitioner. The allegation of killing of his father is on him, a dispute was there that he transferred the joint property of the two brothers far more than what has been allotted to him in the name of his wife.

9. The motive is there, the circumstance points finger towards him, in that background, no relief can be extended to the petitioner who is alleged to have killed a person who brought him in the world.

10. The bail application stands rejected.

(Rajiv Roy, J)

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