

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67092 of 2025

Arising Out of PS. Case No.-646 Year-2023 Thana- GAURICHAK District- Patna

1. Shankar Saw S/O Dukhit Saw Resident of Village- Ramnagar Diyara, P.S.- Athmalgola, District- Patna
2. Mithilesh Saw S/O Dukit Saw Resident of Village- Ramnagar Diyara, P.S.- Athmalgola, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar, Adv.

For the Opposite Party/s : Mr. Md. Mushtaque Alam, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 31-03-2026 1. Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in anticipation of their arrest in Gaurichak P. S. Case No.646 of 2023 registered for the offences punishable under Sections 341, 323, 307, 302 and 324/34 of the Indian Penal Code.

3. The learned counsel for the petitioners submits that the petitioner no.1 has antecedent of two cases, but then, the said cases are under Section 498A of the I.P.C. and petitioner no.2 has antecedent of one case and the informant alleges that her son along with her co-villager Arvind had come to Patna and were selling sugarcane juice, on 26.10.2023, Arvind informed



that her son is ill and has been admitted in Icon Hospital, accordingly, informant sent an amount of Rs.10,000/- for her son's treatment, further, at 9.00 A.M. on 26.10.2023, she was informed that her son died, accordingly, she came to the hospital and saw the dead body of her son and Arvind disclosed that four unknown accused after having sugarcane used did not pay the amount and asked the deceased to come near Gaurichak Bridge, if he wants money, accordingly, the deceased went to the place of occurrence, where he was assaulted by four unknown accused leading to his death.

4. The learned counsel for the petitioners submits that petitioners are not named in the FIR nor the informant in her re-statement disclosed the name of the petitioner nor raised any suspicion against them but then subsequently one and half years after the occurrence the informant disclosed the name of the petitioners raising suspicion against them about their involvement in the occurrence of killing of her son.

5. The learned APP opposes the anticipatory bail application of the petitioners and fairly submits that though petitioners are not named in the FIR nor the informant in her re-statement disclosed their name but then during the course of investigation, a fact transpired i.e. Arvind's wife was having an



extra marital relation with the deceased and the informant was aware of the said relationship, as such she had sent the deceased to Haryana but after sometime Arvind met the informant and asked her to forget what happened and also pestered her to send the deceased to Patna along with him for selling juice. It is next submitted that thereafter the son of the informant came to Patna along with Arvind and thereafter the occurrence was committed. It is submitted that Arvind is even absconding and the name of the petitioners transpired during the course of investigation being co-villager of Arvind that they were also involved in the occurrence of killing of the deceased. It is further submitted that Arvind even had motive of committing the occurrence of killing the deceased since he was having an affair with his wife and his wife despite being aware that Arvind and the informant were knowing her relationship with the deceased still used to talk to the deceased as stated by the informant in her re-statement recorded at Para-22 of the case diary. The learned APP next submits that what is not in dispute rather stands admitted is that the son of the informant died but then who killed the deceased is an aspect of investigation for which custodial interrogation is required. It is also submitted that process under Section 82 Cr.P.C. has been issued against the petitioners and Arvind.



6. Considering the submissions made by the learned APP, the Court is not inclined to extend the privilege of anticipatory bail to the petitioners.

7. The anticipatory bail application of the petitioners is rejected.

(Satyavrat Verma, J)

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