

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80602 of 2025

Arising Out of PS. Case No.-872 Year-2025 Thana- AHİYAPUR District- Muzaffarpur

Rajnarayan Rai @ Rajnarayan Kumar Son of Late Yadolal Ray Resident of
Village- Hanuman Nagar, P.O. and P.S.- Rajepur, District- East Champaran at
Motihari

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ajay Kumar Thakur, Adv. Mr.Santosh Kumar, Adv.
For the State	:	Mr.J.N. Thakur, APP
For the Informant	:	Mr.Alok Kumar, Adv.

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

3 30-01-2026 Heard learned counsel for the petitioner as well as
learned APP for the State.

2. The petitioner apprehends his arrest in connection
with Ahiyapur P.S. Case No. 872 of 2025, registered for the
offences punishable under Section 137(2) of BNS and later on,
Sections 140(1), 103(1), 238, 61(2), 3(5) of BNS was added.

3. The father of the deceased is informant. He lodged
FIR on 24.6.2025 stating therein that his son Abhishek Kumar
became traceless. His mobile set was switched off. Later, on
25.6.2025, the informant lodged report stating therein that twelve
named accused persons, including the petitioner, committed brutal
murder of his son and threw the dead body.



4. The learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated. The informant himself admitted in the FIR that his son was not in his house at the time of occurrence, rather he was in a rented room for studies. The name of the accused persons have been given merely on the basis of suspicion. The informant did not disclose the source wherefrom he got the knowledge of the occurrence and involvement of these twelve persons in the alleged occurrence. The deceased was seen along with co-accused Ayush Kumar in a hotel in which Ayush Kumar was working as a manager. The statement of a staff of the hotel is there in paragraph no. 18 of the case diary in which he has stated that he served chilli, garlic to the deceased and after receiving that, the deceased left the hotel. The brother of the deceased in paragraph no. 7 of the case diary though named these 12 accused persons in his statement but he did not disclose where from he got the information. He has submitted further that CDR detected during the course of investigation did not establish conversation between the deceased and the petitioner. Co-accused Ayush Kumar has given his confessional statement in paragraph no. 140 of the case diary in which he has furnished the vivid description of the entire occurrence, naming five co-accused persons, who killed the deceased but the petitioner's name has not figured in his confessional statement. Except suspicion, there is



nothing against the petitioner in the entire case diary.

5. On the other hand, the learned APP for the State and the learned counsel for the informant have opposed the prayer for bail by submitting that the petitioner is named in the FIR with specific allegation that he along with other co-accused persons brutally assaulted the deceased.

6. Petitioner was not seen in the CCTV camera. Even in the confessional statement of co-accused, his name has not figured. Except suspicion, there is nothing against the petitioner.

7. Considering the above-mentioned facts and circumstances, let the petitioner, in the event of his arrest or surrender within four weeks before the learned court below, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Muzaffarpur in connection with Ahiyapur P.S. Case No. 872 of 2025, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Nawneet Kumar Pandey, J)

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