

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 643 of 2015

Arising out of P. S. Case No. - 145 Year - 2014 Thana - DURGAWATI District - BHABHUA (KAIMUR)

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1. Ashish Kumar Srivastava, son of Ashok Kumar Srivastava, resident of village - Phulwariya, P.S. Kaint, District - Varansi (U.P.)

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan, Advocate

For the Opposite Party/s : Mr. Satyendra Prasad, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 22-01-2015

Heard both sides.

The petitioner seeks regular bail in Durgawati P.S. Case No. 145 of 2014, G.R. No. 1375 of 2014, registered for the offences punishable under Sections 302/201/34 of the Indian Penal Code.

The case is registered against unknown on the recovery of dead body near Kulhariya Railway Gumati.

Learned counsel for the petitioner submits that the petitioner is innocent and he has got no criminal antecedent. Except the confessional statement of co-accused Ajay Kumar Maurya and others no incriminating material was found against the petitioner to show his involvement in the death of Satya Prakash Singh. The confessional statement of co-accused has got no evidentiary value.

On the other hand, learned counsel for the informant as well as learned counsel for the Additional Public Prosecutor vehemently opposed the prayer for bail.

On perusal of the record, it appears that after recovery of the dead body, the witnesses disclosed the number of the car from which deceased was thrown by the side of the road. The witnesses disclosed that the vehicle was having Registration No. UP65AF2676. It was found that the vehicle is owned by Rohit Arora. The police found the vehicle in front of the house of Anup Arora. The vehicle was seized. The owner of the vehicle disclosed that Ajay Kumar Maurya along with Anik Maurya, Sada Nand Maurya, Ashish Srivastava came and took his vehicle on the pretext of some function. It appears that on such clue Ajay Kumar Maurya was apprehended and from his possession the cheque duly signed by the deceased was also recovered. The blood-stained shoes and other materials were also recovered. Other co-accused persons also confessed their guilt. It appears that petitioner along with other co-accused hatched-up conspiracy to grab the money of Satya Prakash Singh.

Considering the facts aforesaid, I am not inclined to enlarge the petitioner on bail. Accordingly, the same is rejected.

The learned Judicial Magistrate who is in *seisin* of

the case is directed to commit the case and on such commitment, the learned trial court shall make all efforts for conclusion of the trial within one year from the date of receipt/production of a copy of this order.

(Prabhat Kumar Jha, J.)

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