

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36031 of 2021

Arising Out of PS. Case No.-1300 Year-2019 Thana- AHYAPUR District- Muzaffarpur

RAVI BHUSHAN SRIVASTAVA SON OF LATE LAKHINDRA PRASAD
R/O VILLAGE- SHEKEHPUR DHAB, P.S.- AHYAPUR, DIST.-
MUZAFFARPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manindra Kishore Singh, Adv.
For the Opposite Party/s : Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL ORDER

4 23-02-2022 Heard learned counsel for the parties.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 302, 328 and 34 of the Indian Penal Code.

As per the prosecution case, the informant states that he was informed on telephone by his niece (sister's daughter) about the petitioner having beaten up his sister and of having abused her.

It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case because of his relationship being husband of the deceased. No such occurrence as alleged in the F.I.R. has taken place. The marriage between the deceased and the petitioner took place in the year 2009. There are three issues from the said marriage. Even the statement of the daughter of the deceased was recorded



almost four months after the alleged occurrence. No injury has been found in the post-mortem report. The petitioner is in custody since 22.12.2020 and has no criminal antecedent. Investigation in the case has concluded and he undertakes to cooperate in the trial.

The application for bail is opposed by learned A.P.P. for the State who submits that daughter of the deceased has supported the prosecution case in her statement under section 161 Cr.P.C.

Having heard learned counsel for the parties and taking into consideration the facts of the case, the material that has transpired in course of investigation including the statement of the daughter of the deceased wherein she has made direct allegation against the petitioner (her father), the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

Learned trial court is directed to expedite the trial.

Liberty is granted to the petitioner to renew his prayer for bail after examination of Diksha Rani in the trial.

(Partha Sarthy, J)

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