

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32980 of 2022

Arising Out of PS. Case No.-344 Year-2021 Thana- RAMNAGAR District- West Champaran

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Ajeet Jaiswal Son Of Sri Ashok Jaiswal @ Ashok Kumar Jaiswal Resident Of
Village- Ramnagar, P.S.- Ramnagar, District- West Champaran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Udbhav, Advocate

For the Opposite Party/s : Mr. Jagdhar Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 02-09-2022 The case is heard through video conferencing.

The learned counsel for the petitioner is directed to
remove all the defects pointed out by the Stamp Reporter within
one month.

Heard learned counsel for the petitioner and the
learned APP for the State.

Petitioner seeks regular bail in connection with
Ramnagar P.S. Case No. 344 of 2021 registered for the offences
under Sections 302 and 34 of the Indian Penal Code and
Section 27 of the Arms Act.

As per the allegation, the informant's son was taken
by this petitioner from his house by saying that the money
borrowed by him would be returned to the victim and thereafter
the victim went along with this petitioner and after that the



informant got the information of his son having sustained fire-arm injury and then he reached at PHC Ramnager and found his son lying on stretcher in bleeding condition and thereafter during the course of treatment the victim died and the informant alleged that this petitioner had borrowed Rs.5,25,000/- from his son owing to that the alleged occurrence was committed as the petitioner did not want to return the said money.

The main submissions advanced by the learned counsel Mr. Udbhav appearing for the petitioner are that the informant is not the eye witness of the alleged occurrence of murder and his statement with regard to the last seen theory is also doubtful and as per the FIR the informant is admittedly a vegetable seller, hence the factum of giving Rs.5,25,000/- to the petitioner by the informant's son is completely unbelievable and during the course of investigation the police took the CDR of the mobile phone of this petitioner and the evidence gathered from this scientific investigation also falsifies the prosecution's allegation. Further submission is that the FIR of the alleged occurrence of murder was lodged two days after the alleged occurrence while the informant had sufficient opportunity to institute the FIR of the alleged occurrence and the said delay has not been explained by the prosecution as well as informant in



the FIR. Further submission is that the petitioner has got clean antecedent and languishing in jail since 22.10.2021.

Learned APP Mr. Jagdhar Prasad appearing for the State has opposed the bail prayer.

Heard both the sides and perused the FIR. The present case relates to murder and as per the FIR the petitioner had borrowed Rs.5,25,000/- from the informant and the victim was last seen with this petitioner as per the allegation made in the FIR and the victim went along with this petitioner when the petitioner convinced the victim to return the alleged borrowed money and on that assurance the victim left his house and thereafter he was shot and the informant found him in injured condition in the Primary Health Centre and later on the victim died during the course of medical treatment. The petitioner appears to be the main accused of this case and the prosecution's allegation of last seen of the victim with this petitioner goes against him. In the opinion of this Court the petitioner does not deserve to the privilege of bail. Accordingly, his bail prayer stands rejected.

The Trial Court is directed to expedite the trial of this petitioner and take steps to conclude the same in the next one and half year. If the trial of this petitioner is not concluded



within the stipulated period then the petitioner may renew his
bail prayer before the trial Court which will be decided
according to merit without being prejudiced by this order.

(Shailendra Singh, J.)

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