

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53295 of 2022

Arising Out of PS. Case No.-373 Year-2021 Thana- BHELDI District- Saran

Ashish Srivastava Son of Umesh Chand Srivastava R/V- Shivanagar, P.S- Gorakhpur, Dist- Gorakhpur. At present residing at village- Shobheypur, P.S- Bheldi, Dist- Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Thakur, Advocate

For the Opposite Party/s : Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 03-04-2023 Heard Mr. Ajay Thakur, learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Petitioner seeks bail in a case registered for the offences punishable under Sections 302/34 of the Indian Penal Code.

According to prosecution case, the petitioner along with 2 unknown have committed the murder of the husband of the informant to grab the amount of Rs. 10 lakh from this husband.



Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the informant is not the eye witness of the alleged occurrence and on the basis of suspicion the name of the petitioner has falsely been implicated in this case.

The learned Additional Public Prosecutor on the basis of material available on record and the case diary has vehemently opposed the prayer for bail of the petitioner and submits that it has come during investigation that in paragraph nos. 18, 20, 22 and 54 of the case diary the articles belong to the deceased and have been recovered from the house of the petitioner and the petitioner has taken Rs. 10 lakhs from the deceased.

Considering the aforesaid facts, I am not inclined to enlarge the petitioner on bail in connection with Bheldi P.S. Case No. 373 of 2021 pending in the court of learned Judicial Magistrate, Saran at Chapra.

Prayer is refused.

(Rajesh Kumar Verma, J)

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