

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61856 of 2022**

Arising Out of PS. Case No.-160 Year-2022 Thana- BHAGWANPUR District- Kaimur
(Bhabua)

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AJAY KUMAR SRIVASTVA Son of Rameshwar Prasad Srivastva @
Rameshwar Prasad R/V- Bhagwanpur (Bhangwanpur), P.S- Bhagwanpur,
Dist- Kaimur at Bhabhua

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anwar Karim, Adv.
For the Opposite Party/s : Mr. Nand Kishore Prasad, APP.
For the Informant/s :

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**CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER**

- 6 26-04-2023 **1.** Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for the informant.
- 2.** The office is directed to keep the hard copy of the
counter affidavit filed by learned APP on record.
- 3.** Petitioner seeks regular bail in connection with
Bhagwanpur P.S. Case No. 160 of 2022 dated 15.07.2022
registered for the offences punishable under Sections 341, 323,
302 and 506 of the Indian Penal Code.
- 4.** As per the prosecution, the informant's husband was
brutally assaulted to death by this petitioner. Further it is alleged
that this petitioner inflicted blows repeatedly on the chest of the
deceased until the victim died.

5. The main submissions advanced by petitioner's counsel are that as per the *post-mortem* report of the deceased, no visible injury was found on the body of the deceased by the Doctor concerned and the cause of death was opined as sudden cardiac arrest leading to CR failure and in the said report, it was mentioned that the heart of the deceased was big in size which shows that he was a heart patient, though there is direct and specific allegation against the petitioner but the alleged occurrence was not pre-planned as per the statements of witnesses recorded during investigation and moreover, the petitioner has fair and clean antecedent and has been languishing in jail since 16.07.2022.

6. Learned counsel for the informant has vehemently opposed the bail prayer and submitted that the instant matter relates to murder and the same was committed by this petitioner and against him, there is direct and specific allegation and the incident was captured in a camera installed near the place of occurrence and the footage of the said camera was produced by the prosecution party before the police, which is the most important electronic evidence going against the petitioner.

7. Learned APP appearing for the State has also opposed the bail prayer.

8. Considering the seriousness of the occurrence which relates to murder and as per the FIR, there is direct and specific allegation against the petitioner and the FIR shows that the petitioner committed murder of the informant's husband in a planned manner and he had enmity with the deceased and previously, he threatened to kill him and as per para 42 of the case diary, CCTV camera installed near the place of occurrence was examined by the Investigating Officer and according to him after the examination of the same, the alleged incident was found to be true, in my opinion it is not a fit case for bail to the petitioner at this stage. Accordingly, the petitioner's bail prayer stands rejected.

9. The petitioner may renew his prayer after six months if any significant progress is not made in his trial .

(Shailendra Singh, J)

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