

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.580 of 2024

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

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Ajay Kumar Srivastava Son of Rameshwar Prasad Srivastava @ Rameshwar Prasad @ Rameshwar Lal R/o vill - Bhagwanpur, P.S. - Bhagwanpur, Distt. - Kaimur at Bhabhua

... .. Petitioner/s

Versus

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. Surendra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 02-02-2024 1 Heard learned counsel for the petitioner and the learned APP for the State.

2. Petitioner seeks regular bail in connection with Sessions Trial Case No. 387 of 2022, arising out of Bhagwanpur P.S. Case No. 160 of 2022 dated 15.07.2022 registered for the offence(s) punishable under Section(s) 341, 323, 302 and 506 of the Indian Penal Code.

3. The main submissions advanced by learned counsel for the petitioner are that the petitioner earlier preferred Cr. Misc. No. 61856 of 2022 for the relief of regular bail which was rejected by this court vide order dated 26.04.2023 and now the petitioner has again come for the said relief mainly on the ground of liberty granted to him by this court that the petitioner



may renew his bail prayer after six months from that order if any significant progress is not made in his trial and in this regard, the order impugned passed by the trial court on 04.11.2023 may be perused which shows that despite all processes having been issued for getting the appearance of the prosecution witnesses, no prosecution witness has been produced before the trial court till 04.11.2023 which shows the lingering attitude of the prosecution in the trial of the petitioner and so far as the merit of the allegation is concerned as per allegation, the petitioner physically assaulted the informant's husband but as per the postmortem report of the deceased, no any physical injury was found on the body of the victim and as per medical opinion, he suffered sudden cardiac arrest leading to his death. Further submission is that the petitioner has been languishing in jail since 16.07.2022 having clean antecedent.

4. Learned APP appearing for the State has opposed the bail prayer of the petitioner.

5. Considering the above submissions and mainly taking into account the petitioner's custody period and also the fact, that the prosecution is not taking interest in producing the prosecution witnesses before the trial court as appears from the order impugned despite several summons andailable warrant



having been issued to get the appearance of the prosecution witnesses and it shows the prosecution’s lingering attitude in the trial of the petitioner, in my opinion, in the said circumstances, the petitioner now deserves to the privilege of bail. Accordingly, let the petitioner named-above be released on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the concerned Court in connection with Sessions Trial Case No. 387 of 2022, arising out of Bhagwanpur P.S. Case No. 160 of 2022.

(Shailendra Singh, J)

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