

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24481 of 2025

Arising Out of PS. Case No.-502 Year-2024 Thana- SHASTRINAGAR District- Patna

Abhishek Kumar @ Abhishek Mathur @ Shivam @ Shubham Son of J.N.
Mathur Resident of Maa Shambhau Vatika Appartment, Raza Bazar, Flat No.
204, Raza Bagar P.S.- Shastri Nagar, District-Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Shashank Kumar Singh, Adv
	:	Mr. Binay Kumar, Adv
	:	Mr. Jawed Akhtar, Adv
	:	Mr. Amit Kumar, Adv
For the Opposite Party/s	:	Mr. Jharkhandi Upadhyay, APP
For the Informant	:	Mr. N.K. Agrawal, Sr. Adv
	:	Mr. Sanjeet Kumar, Adv
	:	Mr. Kumar Rajdeep, Adv

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 24-07-2025 Heard learned counsel appearing on
behalf of the petitioner and learned APP appearing
on behalf of the State.

2. The petitioner seeks bail in connection
with Shastri Nagar P.S. Case No. 502 of 2024
registered for the offences under Sections 103,
61(2), 238 and 3(5) of the Bharatiya Nyaya
Sanhita.

3. The petitioner is named in the F.I.R. and
is in custody since 04.07.2024.

4. The allegation against the petitioner is



to commit the murder of father of the informant being occupant of same building, where deceased father of informant was occupant of flat no. 502 and petitioner was occupant of flat no. 204.

5. Learned counsel appearing on behalf of the petitioner submitted that except suspicion and self-confession consisting of inculpatory statements qua crime in question, nothing appears incriminating against this petitioner. It is submitted that merely on the ground of suspicion as a common maid was working with both flats and petitioner had affairs and on the suspicion that maid also developed relation with deceased father of the informant, the present false implication was made. It is submitted that suspicion further raised during the course of investigation that petitioner found disturbing CCTV Camera. It is submitted that petitioner is a mechanical engineer and was working with MNC. It is further pointed out that till now charge could not framed in this case, suggesting trial is a remote aspect. It is pointed out that statement of maid was not recorded



during investigation who is the reason behind suspicion. While concluding the argument it is submitted that petitioner is a man of clean antecedent, and moreover, investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP duly assisted by learned senior counsel for the informant while, opposing the prayer for bail submitted that petitioner was in relation with maid, who was also working with deceased father of the informant and on the basis of suspicion that she also developed relation with deceased father of the informant, petitioner killed him. It is further submitted that to destroy the evidence the petitioner found involved in disturbing CCTV Camera. It is further submitted that at the place of occurrence *MDH Masala* was found spread and same masala was also found in the kitchen of petitioner, which is a connecting circumstance.

7. At this stage, learned counsel for the



petitioner submitted that *MDH Masala* is a common household spice available in almost each and every kitchen, and therefore the availability of same *masala* in kitchen of petitioner is not a circumstance to connect petitioner with present occurrence.

8. In view of aforesaid facts and circumstances as mentioned above and by taking note of the fact as save and except suspicion prima-facie nothing incriminating appears against this petitioner, coupled with the fact as petitioner is in custody since 04.07.2024, where examination of prosecution witness is yet to begin, accordingly above named petitioner, is directed to be released on bail in connection with Shastri Nagar P.S. Case No. 502 of 2024 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. IX, Patna/concerned court, subject to the conditions as mentioned under Section 480(3) of the B.N.S.S.



(Chandra Shekhar Jha, J.)

S.Tripathi/-

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