

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27559 of 2025

Arising Out of PS. Case No.-231 Year-2024 Thana- BHAGWAN BAZAR District- Saran

Prakash Srivastava @ Shriprakash Srivastava @ Shri Prakash, S/o Late Brij Bihari Srivastava, R/o village - Bhagwan Bazar, Lalu Chowk, Bhagwan Bazar Thana Road, P.S. - Bhagwan Bazar, Distt. - Saran at Chapra

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Yogesh Chandra Verma, Senior Advocate Mr. Dewendra Narayan Singh, Advocate Ms. Kumari Anupam, Advocate
For the State	:	Mr. Ajay Kumar Jha, APP
For the Informant	:	Mr. Ramadhar Shekhar, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

6 22-09-2025 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State duly assisted by learned counsel appearing for the informant.

2. The accused/petitioner seeks bail in connection with Bhagwan Bazar P.S. Case No.231 of 2024 registered for the offences punishable under Sections 302 read with 34 of the Indian Penal Code (in short 'IPC') and Section 27 of the Arms Act.

3. The accused/petitioner is named in the FIR and is in custody since 26.12.2024.

4. Initially, this petitioner was the informant of this case. Subsequently, during investigation, a suspicion was



raised by the wife of the deceased that this petitioner was involved in committing murder of her husband, whereafter this petitioner was arrayed as an accused in this case and was taken into custody.

5. Mr. Yogesh Chandra Verma, learned senior counsel while arguing on behalf of the petitioner submitted that initially for the murder of his elder brother, the petitioner lodged the present case being informant on 03.05.2025. It is submitted that the wife of the deceased, who is *Bhabhi* of this petitioner also recorded her statement on same very day i.e. on 03.05.2024 before Investigating agency under Section 161 of the Code of Criminal Procedure (in short 'CrPC') stating thereof, that she has no suspicion against anyone *qua* murder of her husband. It is submitted by Mr. Verma that despite of having all opportunities, no suspicion was raised against this petitioner by wife of the deceased. It is further pointed out by Mr. Verma that after about five months i.e. on 25th of October, 2024, the wife of the deceased raised first time, suspicion against this petitioner/informant that he might killed her husband along with other co-accused persons due to



property dispute. In this connection, the statement of the wife of deceased namely, Nutan was recorded under Section 164 of the CrPC, where she raised suspicion against this petitioner *qua* involvement in present crime in question and also *qua* his conduct while she made certain inquiry about the occurrence. It is pointed out by Mr. Verma that even the statement of the wife of the deceased be taken into consideration as recorded under Section 164 of the CrPC, except suspicion, nothing survives against this petitioner and it was made an attempt to implicate him under the garb of property dispute, which arising out of certain family properties dispute and different Customer Service Point (in short 'CSP'), which is already running in the name of deceased.

6. Arguing further, it is submitted that immediately after the occurrence, victim called this petitioner to lodge the FIR and, thereafter, only in her presence, the FIR was lodged. While concluding argument, it is submitted that investigation of this case is already completed, for which, charge-sheet has been submitted and, as such, there is no chance of tampering with the evidence. The petitioner claimed clean antecedent.



7. Learned APP duly assisted by Mr. Ramadhar Shekhar, learned counsel appearing for the informant while opposing the prayer for bail submitted that if statement of the wife of deceased be taken into consideration, it suggest on its face that the informant/petitioner was in inimical terms due to family business rivalry particularly, due to CSP business, which was running in the name of deceased. It is submitted that the wife of deceased is 26 years old widow lady having two children and they are regularly receiving threat from petitioner's side to face dire consequences. It is pointed out that in such a circumstance, releasing this petitioner on bail would not be appropriate. It is submitted that a letter was given to the local S.H.O. for threat as advanced from petitioner's side.

8. Taking a contrary note of aforesaid submissions, it is pointed out by Mr. Verma that the submission *qua* advancing threat is based upon presumption and nothing substantial available on record, which may support it. It is raising only to create a barrier for granting bail to the petitioner. However, it is submitted by Mr. Verma that



petitioner is ready to abide any conditions be imposed by this Court.

9. In view of aforesaid factual submissions and by taking note of fact as *prima facie* save and except suspicion arising out of statement made under Section 164 of the CrPC by the wife of deceased *qua* petitioner, who was the informant of this case, which was recorded after about six months of the occurrence contrary to her earlier statement as recorded on the same very day of occurrence under Section 161 of the CrPC, as discussed aforesaid, coupled with the fact that investigation of this case is already completed, where petitioner, being a man of clean antecedent, remains in custody since 26.12.2024, accordingly, the petitioner, above-named, is directed to be released on bail furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-1st, Saran at Chapra in connection with Bhagwan Bazar P.S. Case No.231 of 2024, subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure (for short 'CrPC')/under



Section 480(3) of the Bhartiya Nagrik Suraksha Sanhita (for short 'BNSS') and with further conditions:-

(i) That petitioner shall co-operate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court only on medical ground of the petitioner duly supported by the documents.

(ii) That the petitioner shall not make any deliberate attempt to delay the trial failing which, the prosecution/State shall be at liberty to press it payer before the learned trial court itself for cancellation of bail bonds of the petitioner.

(iii) That the petitioner shall restrain himself to advance any threat to the wife of the deceased and family and if any such threat advanced, which upon inquiry if found correct by concerned Investigating agency, on the prayer of wife of deceased or State, as the



case may be, the learned trial court shall be at liberty to cancel the bail bond of the petitioner after giving an opportunity of hearing to the petitioner.

(Chandra Shekhar Jha, J.)

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