

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.77283 of 2018**

Arising Out of PS. Case No.-114 Year-2018 Thana- JADIA District- Supaul

Chandan Kumar Yadav @ Chandan Kumar, Son of Suresh Yadav, Resident of  
Village- Rampatti, P.S. Kumar Khand, District- Madhepura.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Praveen Kumar Agrawal, Adv.

For the Opposite Party/s : Mr. J. N. Thakur, APP

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**  
**ORAL ORDER**

3      25-01-2019                      Heard learned counsel for the petitioner and learned  
APP for the State.

The petitioner is languishing in custody since  
21.07.2018 in a case registered for the offence punishable  
under Sections 302/34 of the Indian Penal Code and Sections  
27 of the Arms Act.

The prosecution case got initiated on the basis of  
written report of Satish Kumar submitted to the Station House  
Officer, Jadiya Police Station is to the effect that on  
07.07.2018 at 10.00 P.M., the father of the informant was  
sleeping in the Verandah of his house, while the informant was  
sleeping in the northern side and informant's wife and sister  
were sleeping adjacent to a room of the Verandah. On  
08.07.2018 at 1.45 P.M., the informant woke up and felt that 2-



3 persons are standing in front of his door. The informant tried to call his father, but his father did not give any response, thereafter, at 2.00 P.M, he called his uncle through mobile phone. In the meantime, the informant felt that two persons are fleeing on a motorcycle towards the main road. Subsequently, when the uncle of the informant and other relatives came, then the informant found his father soaked with blood, with injury on his nose and back side of his neck and he was found dead, leading to registration of FIR again against three unknown persons. In the subsequent statement the informant developed a story that the petitioner, who claims to be the maternal brother of his wife had some illicit relationship with his wife and on the day of the occurrence, he visited, the house of the informant and remained with the wife of the informant for few hours which was noticed by the sister of the informant, Nitu Kumari as well as the father of the informant and thereafter, there was some hot exchange of words between the parties for the same, hence, it was suspected that the petitioner might have committed the offence of murder of the father of the informant. Subsequently, the confessional statement of the wife of the informant, namely Guriya Devi as well as the petitioner and co-accused Guddu Kumar was recorded in



paragraph nos. 41,41 and 48 of the case diary wherein, they have confessed about commission of the offence.

It is submitted by learned counsel for the petitioner that this is not in dispute that there is no evidence with regard to the factum of the killing of the father of the informant and only suspicion has been raised against the petitioner and police has forced the petitioner to confess about his involvement in the said occurrence. It is further submitted that the prosecution case got initiated with the written report and after about 5 and half hours of the actual occurrence, when there was no occasion for the informant not to raise suspicion against the petitioner. Hence, the subsequent statement by the informant or by her sister appears to be a subsequent development by the prosecution. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP for the State after going through the case diary submits that since the petitioner's illicit relationship with the informant's wife was objected by the father of the informant. Hence, he killed the informant's father which gets corroborated from the confession of Guriya Devi, co-accused Guddu Kumar as well as the petitioner. However, he admits



that there is no eye witness to the occurrence.

Considering the fact that there is no eye witness to the occurrence, suspicious nature of accusation and the investigation being already concluded, coupled with statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner 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 learned CJM, Supaul, in connection with Jadiya P.S. Case No. 114 of 2018.

**(Dinesh Kumar Singh, J)**

Ashwini/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

