

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25340 of 2021

Arising Out of PS. Case No.-4 Year-2020 Thana- PIPRAKOTHI District- East Champaran

CHANDAN SAH Son of Hari Sah Resident of Village - Nimueiya, P.S.-
Turkauliya, District - East Champaran.

... .. Petitioner.

Versus

The State of Bihar

... .. Opposite Party.

Appearance :

For the Petitioner	:	Mr. P.K. Shahi, Senior Advocate. Mr. Rakesh Kumar, Advocate. Mr. Satyeshwar Prasad, Advocate.
For the State	:	Mr. Binod Kumar No.3, A.P.P.
For the Informant	:	Madhurendra Kumar, Advocate.

CORAM: HONOURABLE MR. JUSTICE A. M. BADAR
ORAL ORDER

3 07-12-2021 The applicant/accused in Crime No.04 of 2020 registered with Police Station-Piprakothi for the offences punishable under Sections 302, 120B/34 and 392 of the Indian Penal Code, by this application is seeking his release on bail during the pendency of the trial.

Heard learned Senior counsel appearing for the applicant/accused. He submits that except the facts mentioned in the F.I.R., there is no evidence to connect the applicant in the crime in question. He further submits that even the F.I.R. contains two stories including accusing finger to two groups of people.

Learned Prosecutor as well as the learned counsel appearing for the first informant submits that the deceased was lastly seen



in the company of the applicant and the co-accused. Thereafter, dead body of the deceased Sunil Singh was found with ante-mortem injuries. It is further argued that the statement of widow Soni Devi provides the motive for eliminating the deceased.

I have considered the submissions so advanced and also perused the materials placed before me including the charge-sheet as well as the F.I.R. and the case diary.

According to the prosecution case, on 30.12.2019, Sunil Singh (since deceased) was taken by accused Chhotu Singh, his wife as well as the present applicant and 5-6 unknown persons with them for joining them in the dinner arranged for celebration of a new year. It is further averred by the prosecution that after that night, the deceased did not return. His dead body was then found near Salempur Math.

It is alleged in the F.I.R. that the deceased was having illicit relation with the wife of Chhotu Singh and, thereafter, the matter was compromised and said Chhotu Singh had joined in liquor business with the deceased. However, the illicit relation of the deceased with the wife of Chhotu Singh continued and that might have caused the incident in question. Another theory propounded in the F.I.R. is to the effect that the deceased had



taken loan on interest from Naresh Pandey. Despite repayment of loan, Naresh Pandey and his associates were assaulting Sunil Singh (since deceased) and, therefore, Naresh Pandey and his associates might have killed Sunil Singh after looting the gold chain from his neck.

Except the circumstances that the deceased had joined the company of Chhotu Singh and his associates so also on the next day, dead body of the deceased Sunil Singh was found, nothing worth showing is found in the case diary against the present applicant.

Considering the nature of the evidence against the applicant and the fact that he has already undergone pretrial detention for a long period, his pretrial detention is not warranted. Therefore, the orders:

(i). The application is allowed.

(ii). The applicant/accused in Crime No.04 of 2020 registered with Police Station-Piprakothi for the offences punishable under Sections 302, 120B/34 and 392 of the Indian Penal Code be released on bail on executing P.R. bond of Rs.10000/-(Rupees Ten Thousand) on furnishing surety of the like amount to the satisfaction of the trial court with the following conditions:



(I). The applicant should not extend any threat, promise or inducement to the persons acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer.

(II). The applicant should cooperate the trial in expeditious disposal of the trial against him.

(III). The applicant should not repeat commission of similar offence in future and if he is found to be involved in commission of similar offence, the State is at liberty to apply for cancellation of bail granted to the applicant in the instant case.

(IV). The applicant will not tamper with the evidence.

The applicant to remove all office objections forthwith and the Registry to issue bail-writ as per this order only after removal of office objections by the applicant/accused.

(A. M. Badar, J)

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