

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39203 of 2020

Arising Out of PS. Case No.-168 Year-2020 Thana- MADHUBAN District- East Champaran

CHANDAN KUMAR @ CHANDAN KUMAR CHAUDHARY S/O BINOD
CHAUDHARY Resident of Village - Banjaria, P.S.-Madhuban, District - East
Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Anis Akhtar- Advocate

For the Opposite Party/s : Mr. Navin Kumar Pandey- A.P.P.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

4 10-08-2021 Heard Md. Anis Akhtar, the learned Advocate for the

petitioner and Mr. Navin Kumar Pandey, the learned APP for the

State.

The petitioner seeks bail in anticipation of his arrest in
connection with Madhuban P. S. Case No.168 of 2020,
instituted for the offences under Sections 302, 120(B) and 34 of
the Indian Penal Code.

The son of the informant was killed and his dead body
was found hanging from a tree in the field. The informant has
suspected the hands of the petitioner and others with whom she
had litigation from before.

The learned Advocate for the petitioner has submitted
that an absolutely false case has been lodged against the



petitioner and that also only on the basis of suspicion. The informant has put her thumb impression on the written report and therefore the learned Advocate for the petitioner infers that she has been made to file a case like this with only suspicion as the ground for implicating the petitioner and others in this case.

It has further been submitted that the family of the informant had encroached upon a public road and that was continuously being objected by the petitioner and others. This perhaps is the reason for falsely implicating the petitioner. There is no eye witness to the occurrence and except for suspicion, there is no material to connect the petitioner with the offence.

In the entire investigation papers, two of the witnesses namely, Ram Pravesh Rai and Birendra Sahani have only stated that they had seen the petitioner and others going towards the direction where the dead body was found hanging from a tree. The aforesaid two witnesses have also stated that when confronted, the petitioner and others disclosed that they were going to have their fields ploughed by tractor. There was no sign of nervousness on the petitioner.

There could be a background of enmity but merely on account of that, a person cannot be made accused in a case on suspicion.



Suspicion is a sea without a shore and howsoever strong it may be, it cannot take the place for proof.

Considering the afore-noted arguments on behalf of the petitioner and taking into account his clean antecedents and the nature of accusation against him being purely on the basis of suspicion, the petitioner, above-named, in the event of his arrest or surrender before the learned Court below within a period of eight weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-4th, Motihari, East Champaran in connection with Madhuban P. S. Case No.168 of 2020, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

(Ashutosh Kumar, J)

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