

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6906 of 2022**

Arising Out of PS. Case No.-140 Year-2020 Thana- Chackmehsi District- Samastipur

Suman Kumar Chaudhary Son of Sri Amarjit Chaudhary Resident of Village -
Godhiwara, P.S.- Moro, Distt.- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar no1, Advocate

For the Opposite Party/s : Mr.Suman Kumari Singh, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

3 29-09-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Chack-
mehsi P.S. Case No. 140 of 2020 registered for the offence un-
der Sections 364/34 of the Indian Penal Code. Later on Section
302 has been added.

The accused/petitioner is named in the F.I.R. and is in
custody since 26.11.2021.

The allegation against the petitioner is to kidnap and
also to commit murder of son of the informant due to previous
enmities.

Learned counsel appearing on behalf of the petitioner



submitted that maximum allegation against this petitioner is of “last seen”, where deceased found with several accused persons including this petitioner. It is further submitted that informant is not the eye witness of the occurrence, and mere on the basis of suspicion, which is founded over “last seen”, the petitioner was implicated in this case. It is further submitted that similarly situated co-accused person, namely, Paltu Rai, has already been granted bail by one of the learned co-ordinate Bench of this Court through Cr. Misc. No. 40105 of 2021 vide order dated 18.04.2022. While concluding the argument, it has been submitted that reason of death appears accidental, as same is caused due to drowning as per post-mortem report and moreover, investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as informant is not the eye witness of the occurrence, where maximum allegation is of “last seen” coupled with the fact that charge-sheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Chakmehsi P.S. Case No. 140/2020 on furnishing bail bond



of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned J.M. 1st Class Samastipur/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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