

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.38819 of 2022**

Arising Out of PS. Case No.-62 Year-2022 Thana- HUSSAINGANJ District- Siwan

Binod Kumar Chaudhary S/o Jayaram Chaudhari Resident of Village-  
Hasanpura, P.S.- M.H. Nagar, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Ajay Kumar Tiwary, Advocate

For the Opposite Party/s : Mr. A.G

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

4      17-10-2022                      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  
Hussainganj P.S. Case No. 62 of 2022 registered for the offence  
under Sections 302 and 34 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in  
custody since 16.03.2022.

The allegation against the petitioner is to commit  
murder of the brother of informant, alongwith other co-accused  
persons due to dispute arises over money transactions.

Learned counsel appearing on behalf of the petitioner  
submitted that informant is not the eye witness of the



occurrence, where entire implication is based upon suspicion, as it is evident from the concluding part of the F.I.R. itself. It is further submitted that nothing surfaced/recovered during the course of investigation, which may connect this petitioner, *prima facie*, with present set of occurrence. It is further submitted that as petitioner found in-conversion 8 times on the date of occurrence with deceased, mere on said suspicion, the petitioner has been falsely implicated in present case. While concluding the argument, it has been submitted that petitioner is a man of clean antecedent 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 duly assisted by learned counsel appearing on behalf of informant, while opposing the prayer of bail submitted that calling deceased by petitioner 8 times on the date and time of occurrence, as per call detail report, raised serious suspicion, whereas fairly conceded that informant is not the eye witness of the occurrence.

Considering the facts and circumstances as mentioned above, as implication of petitioner appears merely on the ground of suspicion, where nothing incriminating surfaced/recovered , during the course of investigation, to connect this petitioner,



*prima facie*, with present set of occurrence coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Hussainganj P.S. Case No. 62 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IX, Siwan/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C.

The presence of I.O. before this Court is dispensed of, accordingly.

**(Chandra Shekhar Jha, J)**

pooja/-

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