

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 64571 of 2021

Arising Out of PS. Case No.-242 Year-2020 Thana- CHAKIA District- East Champaran

Kanchan Rai @ Kanchan Yadav, Son of Kishori Ray, Resident of Village-
Kataha, P.S.- Mehshi, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Madhurendra Kumar, Advocate

For the Opposite Party/s : Mr.Anil Kumar Singh No. 1, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 29-08-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Chakia P.S. Case No. 242 of 2020 registered for the alleged offences under Sections 365, 302, 364 and 34 of the Indian Penal Code.

As per prosecution case, the husband of the informant, who was a truck driver, went missing and later on, his dead body was recovered from an open field. During investigation, the name of the petitioner transpired as one of the accused persons who was involved in the murder of the husband



of the informant along with other co-accused persons.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. He further submits that initially the petitioner was not named in this case, but on the basis of statement of the cleaner of the truck being driven by the deceased, who stated that he left the truck saying that he was going with his brother-in-law co-accused Hariom and his friend, the petitioner herein, the petitioner was made accused. Learned counsel further submits that in her further statement, informant also named this petitioner about his participation in the abduction of her husband. Thereafter, confessional statement of this petitioner was recorded but no recovery has been made and prior to his confession the dead body was recovered. So there remains nothing against this petitioner except suspicion. There is no direct or circumstantial evidence against this petitioner. Similarly placed co-accused persons, namely Aditya Kumar and Radhe Shyam, have been granted bail vide order dated 08.03.2021 passed in Cr. Misc. No. 1865 of 2021 and order dated 21.05.2021 passed in Cr. Misc No. 2562 of 2021, respectively. The petitioner is in custody since 24.08.2020 and the charge-sheet has been submitted in this case.

Learned APP opposes the prayer for bail submitting



that the petitioner has been named by an eye-witness who stated that the petitioner and other co-accused took away the deceased and later on, it also came during the investigation that the petitioner and other co-accused abducted and killed the husband of the informant.

Perused the records.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that no substantive material has come up against this petitioner to connect him with the alleged occurrence and no recovery has been shown to him or his instance and further considering the submission of charge-sheet along with his period of custody, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Sadar, East Champaran, Motihari, in connection with Chakia P.S. Case No. 242 of 2020, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) The bail bond of the petitioner will be accepted only after framing of charge, if not already



framed.

(ii) One of the bailors will be the deponent, who has sworn the affidavit.

(iii) The petitioner will remain present on each and every date fixed by the court below.

(iv) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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