

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47243 of 2023

Arising Out of PS. Case No.-577 Year-2020 Thana- SUGAULI District- East Champaran

Kanhaiya Kumar @ Kanhaiya Singh S/O Anil Singh R/O Village- Bankatwa,
Ps. Sugauli, Dist. East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 07-08-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

2. The petitioner seeks bail in connection with Sugauli
P.S. Case No. 577 of 2020 registered for the offence under
Sections 302, 406, 120-B/34 of the Indian Penal Code.

3. The accused/petitioner is named in the F.I.R. and is
in custody since 10.05.2023.

4. The allegation against the petitioner is to commit
murder of husband of informant alongwith named and unknown
co-accused persons by slitting his neck using sharp-edged cut
weapon, where occurrence arises out of pending money
disputes.

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



occurrence and he was named with present case out of suspicion and certain money related disputes pending with husband of informant. It is submitted that name of this petitioner also surfaced, during the course of investigation, on the basis of confessional statement of unknown co-accused namely, Savitri Devi, who has already been granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc, No. 30895 of 2021 vide order dated 31.01.2022. It is submitted that out of suspicion, as raised by informant and by apprehended unknown co-accused persons during the course of investigation, nothing recovered/surfaced incriminating against this petitioner as to connect him with present occurrence of murder. While concluding the argument, it has been submitted that petitioner is a man of clean antecedent and moreover, investigation of this case has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP opposes the prayer of bail.

7. Considering the facts and circumstances as mentioned above and by taking note of the fact as save and except suspicion arises out of money transactions, nothing incriminating surfaced/recovered against this petitioner during



the course of investigation as to connect him, *prima facie*, with present occurrence of murder coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 10.05.2023, accordingly, above named petitioner is directed to be released on bail in connection with Sugauli P.S. Case No. 577 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari, East Champaran/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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