

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2849 of 2025

Arising Out of PS. Case No.-191 Year-2022 Thana- AMBA District- Aurangabad

Chandan Kumar @ Chandan Kumar Verma, Son of Vyash Mehta @ Bayas Mahto, Resident of Village -Dadhpa Bigha, P.S. -Kutumba, District -Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vyas Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 23-01-2025 Heard learned counsel appearing on behalf of the petitioner and learned APP appearing on behalf of the State.

2. The petitioner seeks bail in connection with Amba P.S. Case No. 191 of 2022 registered for the offences under Sections 302, 307 and 34 of the Indian Penal Code and Section 27 of the Arms Act.

3. The petitioner is not named in the F.I.R. and is in custody since 17.11.2024.

4. The allegation against the petitioner is to commit murder of husband of the informant alongwith other named co-accused persons by causing firearm injuries, where occurrence alleged to be arising out of previous enmity.



5. Learned counsel appearing on behalf of the petitioner submitted that the name of the petitioner surfaced during the course of investigation on the basis of confessional statement of co-accused, namely, Subham Singh, where in furtherance of which, no incriminating material surfaced/recovered during the course of investigation, which may connect petitioner *prima facie* with present occurrence of murder and, therefore, it can be safely said that save and except suspicion nothing survives against this petitioner. In this context, it is further submitted that informant is the eye-witness of the occurrence, who specifically named the co-accused Akash Kumar Singh to cause fatal firearm injury, causing death of her husband. In this connection, it is further submitted that the informant moved an application before the C.J.M., Aurangabad in connection with present case stating thereof that this petitioner is a witness of the occurrence but was implicated as an accused to save the main culprits/accused. It is submitted that co-accused Subham Giri @ Shubham Bharti, who named this petitioner during course of investigation has already granted bail by one of the learned



co-ordinate Bench of this Court through Cr. Misc. No. 19294 of 2023 dated 18.05.2023. While concluding the argument it is submitted that petitioner found involved in one more criminal case, where he is on bail and, moreover, investigation 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. In view of the facts and circumstances and by taking note of the fact as save and except suspicion arising out of confessional statement of co-accused Shubham Giri, where nothing incriminating surfaced against this petitioner during course of investigation, which may connect him *prima facie* with present occurrence of murder, where informant being an eye-witness failed to name him as an accused, coupled with fact that charge-sheet has already submitted, where petitioner is in custody since 17.11.2024, accordingly, petitioner, above named, is directed to be released on bail in connection with Amba P.S. Case No. 191 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 Chief Judicial Magistrate, Aurangabad/concerned
court, subject to the conditions as mentioned under Section
437(3) of the Cr.P.C./ 480(3) of the BNSS.

(Chandra Shekhar Jha, J)

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