

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 13947 of 2025

Arising Out of PS. Case No.-123 Year-2024 Thana- Chakmesi District- Samastipur

=====

Aman Kumar S/o- Amarnath Sahni R/o Village- Bakhtiyarpur Matiyara, P.S-
Chakmehsi, District- Samastipur. Petitioner/s

Versus

The State of Bihar. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Amar Kumar Singh, Advocate

For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP

=====

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

13 10-12-2025 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

Chakmehsi P.S. Case No. 123/2023 registered for the

offence under Sections 126(2), 115(2), 140(1), 140(3), 3(5)

of the Bharatiya Nyaya Sanhita.

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

is in custody since 01.08.2024.

4. The allegation against petitioner is to assault son

of the informant and his friend, whereafter both of them

returned to their home in injured condition but after some

time they were again called for by same set of accused

persons whereafter the friend of son of the informant,

namely, Gulshan Kumar was again assaulted and the son of



the informant was trace less.

5. Learned counsel appearing on behalf of the petitioner submitted that allegation against petitioner is very much general and omnibus in nature *qua* kidnapping and assault. It is submitted that even the statement of Gulshan Kumar was not recorded who is only injured eye-witness of the occurrence before submission of charge-sheet. It is submitted that dead body was recovered from an open place. It is submitted that it is not a case where the dead body was recovered on instance of petitioner or any incriminating materials during investigation surfaced, which may suggest involvement of this petitioner with present crime in question. While concluding argument, it is submitted that investigation of this case is already completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

6. Arguing further, it is submitted that petitioner remains in custody for about one year and four months but even not a single prosecution witness could examine by the learned trial court, which is sufficient to suggest that trial of



this case is not likely to conclude in near future.

7. Mr. Jharkhandi Upadhyaya, learned APP while opposing the prayer of bail submitted out of his counter affidavit dated 01.09.20205 as submitted by State that the police issued warrant and proclamation in search of Gulshan Kumar, who is the eye-witness of the occurrence but fairly conceded that during investigation nothing incriminating surfaced against petitioner in the background of general and omnibus allegation of kidnapping as raised through FIR.

8. Considering the aforesaid factual submissions and by taking note of fact as the allegation is appearing very much general and omnibus against petitioner, where admittedly dead body appears to be recovered from an open place, which is accessible by general public, coupled with the fact that investigation of this case is already completed, where despite of custody of petitioner for about one year and four months not even a single prosecution witness was examined suggesting that the trial of this case is not likely to conclude in near future accordingly, petitioner above named, is directed to be released on bail in connection with



Chakmehsi P.S. Case No. 123/2023 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 District and Sessions Judge-IX, Samastipur/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C./Section 480(3) of BNSS.

(Chandra Shekhar Jha, J)

veena/-

U		T	
---	--	---	--

