

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18565 of 2025

Arising Out of PS. Case No.-473 Year-2022 Thana- KALYANPUR District- Samastipur

Chandan Jha @ Prem Prakash Jha Son of Harikant Jha Resident of Village
-Mahatwar Police Station- Ghanshyampur District -Darbhanga

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Rana Vikram Singh, Advocate Mr. Nilendu Kumar Choudhary, Advocate
For the State	:	Mr. Ram Sumiran Rai, A.P.P.
For the informant	:	Mr. Umashankar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 07-05-2025 Heard learned counsel for the petitioner, the State and
the informant.

2. Petitioner apprehends arrest in a case registered for
the offence punishable under sections 302, 120B/34 of the
Indian Penal Code.

3. As per the prosecution case, husband of informant
was a property dealer and petitioner and others were his
associate. On 1.12.2022, petitioner and co-accused Randhir
Yadav came to the house of the informant and took him with
them on a motorcycle and at about 11 pm Kalyanpur police
informed the informant that her husband was lying dead on
Darbhanga-Samastipur road in village Basudeopur. Thereafter,
informant along with her nephew and others reached Sadar



Hospital and saw that her husband was lying dead with 2 to 3 injuries on his head. Informant alleged that petitioner and other accused persons killed her husband and threw the dead body on the road.

4. Learned counsel appearing for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case on the basis of suspicion. As per FIR, body of the deceased was found on the road and motorcycle was positioned atop the dead body which shows that deceased must have met fatal accident. Petitioner has been implicated in the present case with oblique reason as husband of the informant had taken some money for the purpose of business and when he accidentally died in road accident, taking advantage of the situation, informant implicated the petitioner in this case with false and concocted allegation. Besides this, on the date of occurrence, since petitioner's father was PDS dealer, petitioner too was on the P.D.S. shop and from the morning till 4.45 P.M. he distributed grains to 69 beneficiaries and as it was done through e-posh machine his name is also coming on the receipt as e-posh machine works on thumb impression of the P.D.S. dealer or one who operates the e-posh machine. Receipt in this regard is contained in annexure P/2. Informant is not eye



witness of the occurrence. Learned counsel submits that save and except suspicion, there is no other direct or indirect evidence against the petitioner to show his complicity in the occurrence. Petitioner claims clean antecedent.

5. Learned counsel for the State and the informant oppose the prayer for bail. Learned counsel for the informant submits that the petitioner is named in the FIR with specific allegation that he along with others came to the house of the informant and took her husband with them on a motorcycle, thereafter his dead body was recovered on the road by the police. Thus petitioner was last seen with the deceased. Post mortem report, contained in paragraph 26 of the case diary, supports the prosecution case.

6. Considering the nature of accusation, prayer for bail of the petitioner is rejected.

(Prabhat Kumar Singh, J)

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