

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14182 of 2025

Arising Out of PS. Case No.-439 Year-2024 Thana- MUFFASIL District- West Champaran

Chunnu Thakur Son of Late Narsingh Thakur Resident of Village -
Mahavirpur, P.S. - Yogapatti, District - West Champaran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Ramakant Sharma, Sr. Advocate Mr.Bimlesh Kumar Pandey, Advocate
For the State	:	Mr.Zainul Abedin, APP
For the Informant	:	Mr.Ansul, Sr. Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

5 21-08-2025 Heard Mr. Ramakant Sharma, learned senior

counsel appearing on behalf of the petitioner, Mr. Ansul,

learned senior counsel for the informant and learned A.P.P.

for the State.

2. The accused/petitioner seeks bail in connection
with Bettiah (Muffasil) P.S. Case No. 439 of 2024 registered
for the offences under Sections 103(2), 3(5) of the Bhartiya
Nyay Sanhita, 2023 (in short, the 'B.N.S.') and 27 of the
Arms Act and later on section 111(2)(a) of the B.N.S. was
added.

3. The accused/petitioner is not named in the First
Information Report and is in custody since 20.11.2024.



4. As per FIR, some of miscreants shot dead the husband of the informant on 05.08.2024 at about 9:15 A.M., near to the Bettiah Railway Station.

5. Mr. Ramakant Sharma, learned senior counsel duly assisted by Mr. Bimlesh Kumar Pandey, learned counsel appearing on behalf of the petitioner submitted that petitioner was not named in the FIR and his name during investigation on the basis of confessional statement of named co-accused Abhishek Rai @ Abhishek Kumar Rai, in furtherance of which, no incriminating material has been recovered/surfaced as to connect the petitioner with the present crime in question.

6. Mr. Sharma, submitted that co-accused Abhishek Rai has already been granted bail by one of the learned coordinate Bench of this Court through Cr. Misc. No. 54427 of 2025 dated 08.08.2025. Mr. Sharma further submitted that even during course of investigation, the witnesses, who appears known to the informant, while recording their statement in para 192 and 193 of the case diary under section 161 of the Cr.P.C./180 of the B.N.S.S., even failed to name this petitioner, and, therefore, except suspicion nothing



survives against him.

7. While concluding argument, it is submitted that petitioner found involved in four more criminal cases, where he is on bail and, moreover, despite of having custody of about ten months, charge could not frame by the learned trial court and, therefore, the conclusion of trial is a remote aspect.

8. Learned A.P.P. for the State is present.

9. Mr. Ansul, learned senior counsel appearing for the informant, while opposing the prayer of bail, submitted that this petitioner found along with co-accused persons in a party at Delhi after the occurrence suggesting *prima facie* his involvement in the present occurrence as one of the conspirator.

10. In view of aforesaid factual submission and by taking note of the fact as save and except suspicion arising out of confessional statement, as mentioned aforesaid, *prima facie* no incriminating material appears recovered/surfaced as to connect the petitioner with the present occurrence of murder, coupled with the fact that investigation of this case is



already completed, where trial of this case is not likely to conclude in near future, where even charge could not framed by the learned trial court, despite of the fact that petitioner remains in custody since 20.11.2024, accordingly, above-named petitioner is directed to be released on bail, furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned C.J.M., Bettiah, West Champaran, in connection with Bettiah (Muffasil) P.S. Case No. 439 of 2024, subject to the condition as laid down under Section 437(3) Cr.P.C/Section 480(3) of the Bhartiya Nagarik Suraksha Sanhita (in short "B.N.S.S.") with further condition:

(i) That petitioner shall not made any attempt to delay trial, failing so, the State/informant shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner, which shall be decided by trial court itself after giving opportunity of hearing to the petitioner.

(ii) Accused/Petitioner shall physically present on each and every date before the Trial Court till



conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(Chandra Shekhar Jha, J)

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