

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32820 of 2025

Arising Out of PS. Case No.-249 Year-2024 Thana- AMAS District- Gaya

=====

Kundan Chaudhary @ Kundan Kumar Son of Rajendra Chaudhary Resident
of Village - Pipara (Bagahi), P.S.- Kutumba, District - Aurangabad (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Anil Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Ram Sumiran Rai, APP

=====

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 03-09-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Amas P.S. Case No. 249 of 2024 registered for the alleged offences under Sections 103(1), 61(2), 238 of B.N.S., 2023.

3. As per prosecution case, the brother of the informant went for stroll along with the petitioner and other co-accused but did not return till late night. Next day the informant came to know about a dead body being thrown on Dhardhari hill. The informant went there and found the dead body was of his brother Bittu Kumar. The informant showed his suspicion that the petitioner and co-accused person killed his brother and



in order to conceal the dead body threw it on the hill.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. From the FIR it is evident that the deceased went on his own with the petitioner and other co-accused and they did not force or allured him to go with them. The petitioner has been dragged in this case merely on suspicion and except for suspicion there is no cogent material available on record to show the complicity of the petitioner in the alleged crime. The FIR has been lodged after preparation of inquest report and postmortem report of the dead body and it shows concoction. The witnesses examined during investigation are relatives of the informant and there is no independent witness, who might corroborate the statement of the informant. Nothing incriminating has been recovered from the person or possession of the petitioner. The petitioner is in custody since 29.07.2024 and charge sheet has been submitted. The petitioner is a man of clean antecedent.

5. Learned APP opposes the submission made on behalf of the petitioner. Learned APP submits that the specific allegation against the petitioner is that the deceased last went into the company of the petitioner and other co-accused person



and thereafter, his dead body was recovered.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the vague and doubtful nature of allegation and further considering the absence of cogent material to connect the petitioner with the offence as alleged and also considering the submission of charge sheet, period of custody of the petitioner and his clean antecedent, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Ist Class, Sherghati, District - Gaya/concerned Court in connection with Amas P.S. Case No. 249 of 2024, subject to the conditions mentioned in Section 480(3) of B.N.S.S. and also the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the



terms of the bail, the bail bond of the
petitioner will be liable to be cancelled
by the court concerned.

(Arun Kumar Jha, J)

DKS/-

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

