

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32784 of 2025

Arising Out of PS. Case No.-395 Year-2024 Thana- BAIRIYA District- West Champaran

Kundan Kumar @ Kundan Chaudhary S/O- Makun Chaudhary Resident of
Vill- Bagahi, Nimiya Tola, P.S.- Bairiya, Distt.- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Adv

For the Opposite Party/s : Mr. Navin Kr. Pandey, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

6 04-12-2025 Heard learned counsel appearing on behalf of the

petitioner and learned APP appearing on behalf of the State.

2. The present FIR was lodged on the basis of Complaint

Case No. 1915 of 2024 filed before learned Chief Judicial
Magistrate, Bettiah, West Champaran, almost after three months
of the occurrence by exercising power under Section 156(3) of the
Cr.P.C., in furtherance of which present FIR was registered.

3. The petitioner seeks bail in connection with Bairiya
P.S. Case No. 395 of 2024 registered for the offences under
Sections 103, 238, 61(2), 76, 140(1), 351(3), 352 and 3(5) of
the Bharatiya Nyaya Sanhita.

4. The petitioner is named in the F.I.R. and is in custody
since 01.03.2025.

5. As per complaint, which is the basis of present FIR



son of complainant/informant went to attend marriage along with petitioner, but never returned home thereafter.

6. Learned counsel appearing on behalf of the petitioner submitted that son of complainant/informant went along with petitioner being co-villagers to attend marriage party, where several villagers were also present. It is submitted that son of complainant consumed liquor and while he was urinating on road side he saw police vehicle approaching towards, due to which son of complainant fled away and thereafter he remains traceless till now. It is submitted that lodging of present complaint under Section 103 of the BNS without recovery of any dead body also appears questionable. While concluding the argument it is submitted that petitioner found involved in three more cases, where he is on bail in two cases and one matter was settled at Lok Adalat under compromise and moreover, investigation of this case has already completed, and as such, there is no chance of tampering with the evidence.

7. Learned APP appearing on behalf of the State, while opposing the prayer for bail could not dispute factual submission as discussed aforesaid.

8. In view of aforesaid factual submission and by taking note of fact as present FIR was lodged on the basis of complaint



after three months of the occurrence, where prima-faice except attending marriage party together with son of the complainant/informant, nothing incriminating appears against petitioner, coupled with the fact as petitioner remains in custody since 01.03.2025, accordingly above named petitioner, is directed to be released on bail in connection with Bairiya P.S. Case No. 395 of 2024 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned J.M. 1st Class, Bettiah, West Champaran/concerned court, subject to the conditions as mentioned under Section 480(3) of the B.N.S.S.

(Chandra Shekhar Jha, J.)

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