

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34335 of 2025

Arising Out of PS. Case No.-431 Year-2024 Thana- BHAGWAN BAZAR District- Saran

Chandan Sah, S/o Late Sadhu Sah, R/o Village-Shiv Bazar, Garahitir, P.S.-
Bhagwan Bazar, Distt- Saran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Bimlesh Kumar Pandey, Advocate
For the State	:	Mr. Bhanu Pratap Singh, Advocate
For the Informant	:	Mr. Raj Shekhar, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 19-09-2025 Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State duly assisted by

learned counsel appearing for the informant.

2. The accused/petitioner seeks bail in connection

with Sessions Trial No.83 of 2025 arising out of Bhagwan Bazar

P.S. Case No.431 of 2024 registered for the offences

punishable under Sections 126(2), 103(1) and 352 read with

3(5) of the Bhartiya Nyaya Sanhita, 2023 (for short 'B.N.S.').

3. The accused/petitioner is named in the FIR and is

in custody since 23.09.2024.

4. As per FIR, the petitioner along with other co-

accused persons committed murder of the son of informant by

inflicting multiple knife injuries.

5. It is submitted by learned counsel appearing for



petitioner that the informant is apparently not the eye-witness of the occurrence, for the reason that he arrived at the place of occurrence upon receiving information. It is submitted that almost all the witnesses, who recorded their statement during the course of investigation under Section 180 of the Bhartiya Nagrik Suraksha Sanhita (for short 'BNSS') stated that they arrived at the place of occurrence upon information and, therefore, they are also not the eye-witnesses of the actual occurrence. It is pointed out that the best witness of the occurrence would be co-accused Naman Kumar with whom the son of the informant (deceased) was returning to his village but, said Naman Kumar was not examined by Investigating agency. The statement of Naman Kumar is also not available under Section 180 of the BNSS. It is submitted that in view of same, except suspicion, nothing survives against this petitioner as to connect him *prima facie* with present occurrence of murder. While concluding argument, it is submitted that investigation of this case is already completed, for which, charge-sheet has been submitted and, as such, there is no chance of tampering with the evidence.

6. Learned APP duly assisted by Mr. Raj Shekhar,



learned counsel for the informant while opposing the prayer for bail submitted that petitioner actively involved in present occurrence.

7. In view of aforesaid factual submissions and by taking note of fact as *prima facie* save and except suspicion *qua* involvement of petitioner with present crime in question, nothing incriminating recovered/surfaced during the course of investigation, coupled with the fact that investigation of this case is already completed, where petitioner remains in custody since 23.09.2024, accordingly, the petitioner, above-named, is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-I, Chhapra, Saran in connection with Sessions Trial No.83 of 2025 arising out of Bhagwan Bazar P.S. Case No.431 of 2024, subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure (for short ‘CrPC’)/under Section 480(3) of the BNSS.

(Chandra Shekhar Jha, J.)

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