

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32808 of 2025

Arising Out of PS. Case No.-357 Year-2024 Thana- PIPRA District- East Champaran

Kundan Kumar @ Dhiraj Kumar S/o Bharat Sah Resident of village-
Rasmandal (Rashmandal), P.S.- Pipra, District- East Chamaparan

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Singh, Advocate

For the Opposite Party/s : Mr.Anuj Kumar Shrivastava, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

6 28-11-2025 Heard learned counsel appearing on behalf of the

petitioner and learned A.P.P. for the State.

2. The accused/petitioner seeks bail in connection with Pipra P.S. Case No. 357 of 2024 registered for the offences under Sections 137, 140(3) of the Bhartiya Nyay Sanhita, 2023 (in short, the 'B.N.S.'), later on section 140(1), 103(1), 238, 61(2) of the B.N.S.

3. The accused/petitioner is not named in the First Information Report and is in custody since 31.01.2025.

4. As per FIR, the son of the informant was called from his home on 29.11.2024 at about 5:00 P.M. by the named co-accused persons whereafter his mobile phone found switched off. The informant who has apprehension that



her son might be killed by co-accused Krishna Mahto, because he had threatened him on live facebook.

5. It is submitted by learned counsel appearing on behalf of the petitioner that the name of petitioner transpired on the basis of confessional statement of co-accused Golu Kumar. In furtherance of which, no incriminating material recovered/surfaced during investigation as to connect the petitioner with the present occurrence of murder. It is also submitted that other co-accused namely, Manish Kumar has already been granted bail by this Court through Cr. Misc. No. 42831 of 2025 dated 21.08.2025.

6. While concluding argument, it is submitted that petitioner is a man of clean antecedent and, moreover, investigation of this case is already concluded, for which charge-sheet has been submitted and as such, there is no chance of tampering with the evidence.

7. Learned A.P.P. for the State, while opposing the prayer for bail of the petitioner, submitted that as per report of the I.O. of this case, this petitioner is different with named co-accused namely, Kundan Kumar, son of Late Bharat



Prasad, village – Vishunpura, P.S. - Pipra, District – East Champaran.

8. Learned counsel for the informant, while opposing the prayer of bail of the petitioner, submitted that this petitioner was found actively involved during the occurrence as per confessional statement of co-accused Golu Kumar, whose bail was earlier rejected by one of the learned coordinate Bench of this Court through Cr. Misc. No. 46529 of 2025 dated 16.09.2025.

9. In view of aforesaid factual submission and by taking note of the fact as *prima facie* except suspicion arising out of confessional statement of co-accused Golu Kumar, no incriminating material appears surfaced during investigation as to connect the petitioner with the present crime in question, coupled with the fact that petitioner, who is a man of clean antecedent, remains in custody since 31.01.2025, where investigation of this case is already completed, 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., Motihari at East Champaran/concerned court, in connection with Pipra P.S. Case No. 357 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.”).

10. Presence of the I.O. of this case stands dispensed with.

(Chandra Shekhar Jha, J)

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