

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.90197 of 2024

Arising Out of PS. Case No.-346 Year-2024 Thana- MADHUBAN District- East Champaran

Chunchun Kumar @ Chunu Kumar S/o Baidhnath Ram R/o Vill- Gurmiya,
P.S.- Madhuban, Distt.- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 1137 of 2025

Arising Out of PS. Case No.-346 Year-2024 Thana- MADHUBAN District- East Champaran

Shankar Kumar S/o Jaymangal Ram @ Jaymangal R/o Village- Gurmiya,
P.S.- Madhuban, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 90197 of 2024)
For the Petitioner/s : Mr. Anil Kumar, Adv.
For the Opposite Party/s : Mrs. Rita Verma, APP
(In CRIMINAL MISCELLANEOUS No. 1137 of 2025)
For the Petitioner/s : Mr. Abhishek Kumar, Adv.
Mr. Hemant Ray, Adv.
For the Opposite Party/s : Mr. Navin Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

9 04-08-2025 **CR. MISC. No. 90197 of 2024**

Heard the parties.

2. The petitioner seeks bail in connection
with Madhuban P.S. Case No. 346 of 2024
registered for the offence under Sections 61(2),
103(1), 3(5) of BNS.



3. The petitioner is named in the F.I.R. and is in custody since 17.08.2024.

4. The allegation against the petitioner is to commit murder of married daughter of the informant who was living with her maternal grandmother in village *Gurmiya*.

5. Learned counsel appearing on behalf of the petitioner submitted that if the FIR on its face be taken into consideration, it suggest categorically that informant is not the eye witness of the occurrence rather he found petitioner running from the house of his in-laws alongwith one named co-accused persons and 2-3 unknown co-accused persons. It is submitted that as per FIR, maternal grandmother of deceased/ mother-in-law of the informant was not present at home at the time of occurrence but subsequently, in FIR itself it was stated that the mother-in-law of the informant also saw petitioner running away, coming from her house alongwith other co-accused persons and found their hand stained with blood.

6. Traveling further, it is submitted by



learned counsel appearing for the petitioner that occurrence is of honor killing as the daughter of informant despite of her marriage was in affair with this petitioner which was objected by the informant and his in-laws family members. It is pointed out that if confessions of this petitioner be taken for a while into consideration, it appears that at the time of occurrence he was alone there saying the name of another co-accused namely Shankar Kumar as one of his accomplice, making the entire version of informant doubtful as he witnessed 2-3 unknown persons also alongwith petitioner.

7. It is further submitted that during course of occurrence blood stained cloth of petitioner was seized from his house but admittedly same was not sent to laboratory for its forensic examination and for said purpose even seizure list was not prepared as to connect petitioner *prima-facie* with present crime in question. It is submitted that in view of same save and except suspicions as petitioner alongwith other named and unknown co-accused persons found running from the house where



occurrence took place, who otherwise resident of same village, nothing incriminating surfaced against petitioner.

8. While concluding the argument, it is submitted that petitioner is in custody since about one year i.e., since 17.08.2024 but after framing of charge not even a single witness have been examined till date. It is submitted that in want of trial, where the prosecution is completely based upon the suspicion as submitted above, petitioner cannot be kept behind bar for indefinite period, who is otherwise man of clean antecedent.

9. Learned APP while opposing the prayer of bail submitted that the petitioner was found coming and running away from the house of in-laws of the informant, where occurrence took place and his hand was found stained with blood as per informant. It is also submitted that blood stained cloth of petitioner was seized from his house but fairly conceded that no seizure list of said effect was prepared by police during investigation and was also not sent for forensic examination as to



connect petitioner with present crime in question.

10. In view of aforesaid factual submission and by taking note of fact as save and except suspicion arising out of conduct of petitioner and non-seized blood stained cloth, as submitted above nothing incriminating appears against this petitioner who is in custody since 17.08.2024, where during trial not even a single witness could be examined till now, accordingly petitioner above named, is directed to be released on bail in connection with Madhuban P.S. Case No. 346 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, Motihari, East Champaran /concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C/ Section 480(3) of BNSS.

CR. MISC. No. 1137 of 2025

Heard the parties.

2. The petitioner seeks bail in connection with Madhuban P.S. Case No. 346 of 2024



registered for the offence under Sections 61(2), 103(1), 3(5) of BNS.

3. The petitioner is named in the F.I.R. and is in custody since 17.08.2024.

4. The allegation against the petitioner is to commit murder of married daughter of the informant who was living with her maternal grandmother in village *Gurmiya*.

5. Learned counsel appearing on behalf of the petitioner submitted that the only allegation against this petitioner is that he was one of the accompanies of co-accused namely, Chunchun Kumar who was alleged to be in love affairs with daughter of the informant. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and moreover, save and expect suspicion arising out of confession of named co-accused and conduct of petitioner nothing appears incriminating against petitioner. Learned counsel further submitted that charges in this matter is already framed but till now not even a single prosecution witness could examined in this



case, where petitioner remain in custody for last one year.

6. Learned APP opposes the prayer of bail.

7. In view of aforesaid factual submission and by taking note of fact as save and expect suspicion arising out of confession of named co-accused nothing appears incriminating against petitioner where petitioner remains in custody since 17.08.2024, accordingly petitioner above named, is directed to be released on bail in connection with Madhuban P.S. Case No. 346 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, Motihari, East Champaran/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C/ Section 480(3) of BNSS.

(Chandra Shekhar Jha, J)

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