

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.32476 of 2026**

Arising Out of PS. Case No.-547 Year-2025 Thana- CHAINPUR District- Kaimur (Bhabua)

1. Chhakauri Rajbhar @ Chhkaidi Rajbhar S/o Late Ramdhari Rajbhar Resident of Village- Ismailpur, PS- Chainpur, Distt.- Kaimur (Bhabhua)
2. Gautam Rajbhar S/o Chhakauri Rajbhar Resident of Village- Ismailpur, PS- Chainpur, Distt.- Kaimur (Bhabhua)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                          |   |                               |
|--------------------------|---|-------------------------------|
| For the Petitioner/s     | : | Mr. Niranjana Kumar, Advocate |
|                          |   | Ms. Dikshika Singh, Advocate  |
| For the Opposite Party/s | : | Mr. Kumar Rankit Ranga, APP   |

**CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN**  
**ORAL ORDER**

4      23-07-2026                      Heard learned counsel for the petitioners and learned  
APP for the State.

2. The present criminal miscellaneous application has been filed under Sections 483 and 484 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as 'the BNSS, 2023') for grant of regular bail to the petitioner who is in custody in connection with Chainpur P.S. Case No. 547 of 2025, lodged on 28/11/2025, under Sections 103(1)/3(5) of the Bhartiya Nyaya Sanhita, 2023.

3. As per the prosecution, FIR has been lodged against nine named accused persons including the petitioner No.1 against whom there is allegation that they have killed the



daughter and son of the informant. Petitioner No.2 is not named in the FIR.

4. Learned Counsel for the petitioners submits that the petitioners are innocent and have committed no offence. Counsel submits that they have been implicated in the present case at the instance of his enemy. Counsel submits that the petitioner No.2 is not named in the FIR whereas petitioner No.1 is named in the FIR but not a single overt act has been made against the petitioners as alleged in the FIR. Counsel submits that petitioner No.2 has been arrested arbitrarily and illegally by the police and police has taken signature on a blank paper and falsely produced on the confessional statement. Counsel submits that they are in custody since 10/12/2025. Counsel submits that FIR has been lodged after expiry of more than five days and the said FIR has been lodged at the instance of ill-motive persons. Counsel submits that FIR has been lodged against petitioner No.1 and other eight accused persons, who happen to be completely unknown from those petitioners. Counsel submits that the criminal antecedent of the petitioner No.1 is not clean. However the criminal antecedent of the petitioner No.2 is clean. Counsel further submits that petitioners are ready to fulfill all the conditions whatsoever shall be imposed upon them.



5. Learned APP for the State, on the other hand, opposes the prayer for bail of the petitioners but submits that on previous occasion this Hon'ble Court has pleased to call for the case diary and the post-mortem report. Counsel submits that from perusal of the post mortem report, it transpires that on the dead body the ligature mark present in front of the neck below the chick and the said ligature mark is of the conference of 26 cm. Counsel submits that in the confessional statement which has come in Paragraph-84 of the case diary that confessional statement has been made by the petitioner No.2 that he has strangled the neck of the deceased due to which she died. Counsel submits that the said confessional statement has been corroborated from the recovery of the weapon used in the commission of crime. Counsel fairly submits that though petitioner No.1 is named accused who is father and petitioner No.2 is not named who is son but actual crime has been committed by petitioner No.2.

6. Upon perusal of the case diary as well as post mortem report, it transpires to this Court that death has been caused by strangulating a wire around the neck of the ten years old girl under anger by petitioner No.2. The said wire has been recovered, sent for SFL and the post mortem report is indicating



that the O shape or circle shape ligature on the neck having circumference 26 cm, the hanging is not possible in this way. For hanging, a V mark shape should be present on the neck. Here, O shape mark is present. This Court of the view that prima facie, the confession with corroboration is against the petitioner No.2. It has also come in the case diary that son of the informant was subsequently admitted in the hospital and in the hospital he died but there is no material on the record as to how he died.

7. As such, in the present facts and circumstances of this case, this Court is not inclined to grant bail to petitioner No.2, however, let the petitioner No.1, above named, be released on bail on furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousand) as mentioned in Section 2(1)(d) of the BNSS, 2023 to the satisfaction of learned Additional Chief Judicial Magistrate-V, Bhabhua (Kaimur) in connection with Chainpur P.S. Case No.547 of 2025, subject to the conditions as laid down U/s 480(3) of the BNSS, 2023.

**(Dr. Anshuman, J)**

Mkr./Anshuman/

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