

In the Court of Sessions Judge, Supaul

B.A.-393/2026

(Arising out of Supaul P.S. Case No.249/2026)

	Chandan Kumar, S/o- Sitaram Mandal, R/o- Chhauhatta, Ward No.06, PS- Kishanpur, District- Supaul;Accused/Petitioner Vs. State of BiharO.P.	
<u>02/07/26</u>	Ld. Counsel for petitioner Sri. Ranjiv Kumar Mandal, Advocate. Ld. APP Sri. Amar Kumar Das, for the State. By this order we are going to dispose off the bail application filed on behalf of the accused/ petitioner, namely Chandan Kumar, who is in judicial custody since 08.04.2026 in connection with Supaul PS Case No.:– 249/26, u/s- 137(2), 140(3) of B.N.S. Ld. counsel for the accused/ petitioner argued that accused/ petitioner is quite innocent and has committed no crime and he has falsely been implicated in this case due to local politics and enmity. He further submitted that accused/ petitioner is not involved in any other case and having the clean antecedent. He further submitted that the offence as alleged in FIR is not applicable against the accused/ petitioner. He further submitted that accused/ petitioner is not named in FIR. It is also submitted that accused/ petitioner is in judicial custody since 08.04.2026 and no useful purpose would be served by keeping the accused/ petitioner behind the bar. Ld. APP for the State strongly opposed the prayer of bail application. In brief, the prosecution story is that on dated 02.04.2026, a written application was given by the informant namely Khodija Khatoon to the police of Sadar PS Supaul, stating therein that on 01.04.2026 at about 09:00 A.M., her son Md. Wajid, aged about 25 years left the house to go to Chowk, but he did not return till 02:00 P.M., then the informant tried to contact him on his mobile phone but the mobile phone was found switched off. After that the informant reached at Chakdumariya Chowk and it was came to her knowledge that her son has gone towards Supaul on a red colour Glamour Motorcycle and the person, who driving the motorcycle has muffled his face by red colour Gamcha. On the basis of the above-said written application of the informant, the police of Sadar PS Supaul has registered the case. Argument heard from both sides and perused the record as well as case diary. Admittedly, the accused/ petitioner is in judicial custody since 08.04.2026. On going through the case diary, it transpires that from para No.6, 7, 8 and 9 the police recorded the statement of several witnesses namely Md. Javed, Md. Basit and Kanhaiya Kumar and all the witnesses have stated to the police that on 01.04.2026 Md. Wajid was at the	Contd.

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shop of Om Prakash and from there he was missing. Thereafter, the police also collected the CDR and SDR of the mobile phone of Md. Wajid. As per para No.31 of the case diary, the witness Md. Basit stated to the police that from the day of this incident Om Prakash Kumar alongwith his parents and sister was also missing from his house and the same statement was also given by the witnesses namely Md. Javed and Kanhaiya Kumar. In para No.37 of the case diary, the witness Abhijit Kumar stated to the police that the day from which the deceased was missing, Om Prakash Kumar was also not coming at his shop and he along with his parents have left the house. The similar statement was also given by the witnesses namely Kanhaiya Kumar and Rajesh Kumar. After that as per para No.56 of the case diary, the I.O also collected the call detail of mobile number, which was owned by Sangita Devi, who is the mother of the accused Om Prakash Kumar and the location of that mobile phone was found at village Chhapkahi and on that day she talked with her son-in-law namely Chandan Kumar and further the location of the said mobile phone was found at Ganpatganj and at about 09:49 P.M at Simrahi Market and on 05.04.2026 at about 03:45 P.M the location of the mobile phone was found at Jogbani and at about 05:21 P.M at Forbesganj. As per para No.60 of the case diary, on 07.04.2026 the dead body of the deceased Md. Wajid was recovered from Kharbauni bridge in a plastic bag and on the same day the police has apprehended a person namely Chandan Kumar, the petitioner herein, who is the brother-in-law(Jija) of accused Om Prakash Kumar and he was duly interrogated by the police and his confessional statement was recorded and he stated to the police that accused Om Prakash Kumar along with his parents were hiding themselves in a hotel in Jogbani. Thereafter, the accused Om Prakash Kumar was apprehend from Jogbani. The police also recorded the confessional statement of accused Om Prakash Kumar and in his statement he categorically admitted his guilt and on his pointing the weapon, which was used in the commission of the crime was recovered. The I.O also given the description of the place of occurrence in para No.75 of the case diary. The dead body recovered from the place of occurrence was in decomposed condition and the FSL team has also visited at the place of occurrence and also enquired the dead body. On minute scrutiny of the entire case diary as well as *Fardbyan*, it transpires that one of the accused namely Om Prakash Kumar has committed this crime. This accused/ petitioner Chandan Kumar is the brother-in-law (Jija) of the main accused Om Prakash Kumar. Though this accused/ petitioner Chandan Kumar has not played any role in the commission of the

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crime of murder of Md. Wajid, but after the commission of the crime, he assisted the accused Om Prakash Kumar and his parents to hide themselves in a hotel at Jogbani and also he tried to manage the accused persons to leave India and shift themselves in Nepal. There is strong connivance with the main accused Om Prakash Kumar to provide all necessary assistance to shift himself from India to Nepal. The allegation against the accused/ petitioner is very serious in nature. The investigation of this case is in primary stage. There is strong apprehension of tempering of the prosecution evidence by the accused/ petitioner.

Hence, taking into consideration the seriousness of the allegation, I find that the accused/ petitioner is not entitled to be enlarged on bail. Therefore, the bail application, filed on behalf of accused/petitioner, namely Chandan Kumar stands, **Rejected.** *However, accused/ petitioner is at liberty to renew his prayer for bail after filling of the charge-sheet.*

Dictated
-Sd-
(Anant Singh)
Sessions Judge, Supaul