

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42195 of 2014

Arising Out of PS.Case No. -65 Year- 2014 Thana -BAHADURPUR District- DARBHANGA

Rakesh Kumar @ Brigadiar, son of Sri Devniti Jha, resident of village - Begampur, P.S. Khodabandpur, District - Begusarai

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.28247 of 2014

Arising Out of PS.Case No. -65 Year- 2014 Thana -BAHADURPUR District- DARBHANGA

Shashi Kumar @ Shashi Singh, Son of Rajo Prasad, Resident of Village- Parbanda, P.S. Birpur, Distrcit- Begusarai, at present Housing Board Colony, P.S. Bahadurpur, District- Darbhanga.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.28798 of 2014

Arising Out of PS.Case No. -67 Year- 2014 Thana -BAHADURPUR District- DARBHANGA

Deepak Kumar Mishra, son of Late Raghvendra Prasad Mishra, Resident of Village - Pataur, P.S. - Ashok Paper Mills (Pataur O.P., District - Darbhanga (Bihar).

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

with

Criminal Miscellaneous No.40612 of 2014

Arising Out of PS.Case No. -67 Year- 2014 Thana -BAHADURPUR District- DARBHANGA

Santosh Kumar Chaudhary @ Santosh Chaudhary, Son of Late Raj Kumar Chaudhary, Resident of village- Darhar, P.S.- Bahadurpur, District- Darbhanga (Bihar)

.... Petitioner/s

Versus



The State of Bihar

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.42195 of 2014)

For the Petitioner/s : Mr. Rohit Kumar, Advocate

For the Opposite Party/s : Mr. Pradip Nr. Kumar (APP)

(In Cr.Misc. No.28247 of 2014)

For the Petitioner/s : Mr. Ram Sumiran Rai, Advocate

For the Opposite Party/s : Mr. Narendra Kumar Singh(APP)

(In Cr.Misc. No.28798 of 2014)

For the Petitioner/s : Dr. Harendra Kumar Singh, Advocate

For the Opposite Party/s : Mr. Meena Singh(APP)

(In Cr.Misc. No.40612 of 2014)

For the Petitioner/s : Mr. Vinay Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Amitesh Kumar(APP)

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 13-02-2015

Heard both sides.

The petitioners seek bail in Bahadurpur P.S. Case Nos.65 of 2014 and 67 of 2014, as both are amalgamated together, registered under Sections 302, 364 and other sections of the I.P.C.

Bechan Ojha, father of Shailendra Kumar Ojha and driver of Shashi Kumar, lodged a case that Shailendra Kumar Ojha and Pashupati Kunwar @ Munna Mukhiya went together to the house of Kanhaiya Paswan for taking feast, but Shailendra Kumar Ojha did not return. Later on, wife of Pashupati Kunwar @ Munna Mukhiya lodged Bahadurpur P.S. Case No.67 of 2014 alleging therein that Pashupati Kunwar, Santosh Choudhary and others went to the house of the Kanhaiya Paswan for feast, but he did not return. During the course of investigation, the police collected CDR and phones of the accused persons and it transpired that they

had talked with each other. One Himesh Kumar Mishra was arrested and he confessed his guilt and disclosed the names of the accused persons.

According to the confessional statement of Himesh Mishra, Chintu Singh shot dead Pashupati Kunwar @ Munna Mukhiya in a hut and thereafter they went to the house of Rakesh. Santosh Kumar Chaudhary also confessed his guilt in paragraph 82 of the case diary and he also disclosed the name of the petitioners along with other accused persons. On his confessional statement, one blood-stained shirt was recovered from the hut and it was found that the same belong to Munna Mukhiya.

Learned counsel for the petitioners submits that there is absolutely no evidence except the confessional statement of Himesh Kumar Mishra. During the course of investigation, police have not collected any material that the petitioners have either killed Shailendra Kumar Ojha or Munna Mukhiya, but as per the confession of Himesh Kumar Mishra, Chintu Singh shot dead Pashupati Kunwar @ Munna Mukhiya .

On the other hand, learned counsel for the informant submits that blood-stained shirt was recovered in pursuance of the confession of Himesh Kumar Mishra and after FSL report it appears that the shirt belong to Munna Mukhiya. There is circumstantial evidence that the petitioners were with the deceased

at the relevant time.

It appears that the names of the petitioners figured in the confessional statement of co-accused Himesh Kumar Mishra and except the confessional statement, no tangible material is collected. On similar facts, Prajesh Kumar, Sanjay Singh, Guddu Mishra and Rajesh Mishra have already been granted anticipatory bail vide order passed in Cr.Misc. No.30776 of 2014, Cr. Misc. No.28533 of 2014 and Cr.Misc. No.29803 of 2014, respectively.

Having considered the facts aforesaid, the petitioners, named above, are directed to be enlarged on bail on furnishing bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Sri Ankur Gupta, learned Judicial Magistrate, 1st Class, Darbhanga, in Bahadurpur P.S. Case No.65 and 67 of 2014.

(Prabhat Kumar Jha, J)

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