

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50165 of 2014

Arising Out of PS.Case No. -495 Year- 2014 Thana -PHULWARI District- PATNA

1. Amarjeet Kumar S/o Devendra Rai Resident of village Dudhpura; P.S. Muffasil; District - Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

with

Criminal Miscellaneous No.3117 of 2015

Arising Out of PS.Case No. -495 Year- 2014 Thana -PHULWARI District- PATNA

1. Mantun Kumar @ Mantun Rajak S/o Feku Rajak Resident of Village Dihuli Chandan Patti, P.S. Sakra, District Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.50503 of 2014

Arising Out of PS.Case No. -495 Year- 2014 Thana -PHULWARI District- PATNA

1. Ravish Kumar Rai @ Punjabi son of Baleshwar Rai, resident of village/Mohalla- Dadpur Chaknoor, P.S.- Muffasil, District- Samastipur

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.50165 of 2014)

For the Petitioner/s : Mr. Bijay Bhushan Prasad

For the Opposite Party/s : Mr. Rajesh Kumar(App)

(In Cr.Misc. No.3117 of 2015)

For the Petitioner/s : Mr. Vijay Kumar Singh

For the Opposite Party/s : Mr. Sanjay Kr. Tiwary No.1 (App)

(In Cr.Misc. No.50503 of 2014)

For the Petitioner/s : Mr. Pravin Kumar

For the Opposite Party/s : Mr. Indu Kumari Srivastava (App)

**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER**

4 06-04-2015

All the above stated petitions arise out of Phulwarisarif (Janipur) P.S.Case No. 495 of 2014 registered under section 365,302,20,120B/34 of the Indian Penal Code and accordingly, all the above stated petitions are being disposed of by this common order.

Heard learned counsel for the petitioners as well as learned Additional Public Prosecutor for the State and learned counsel for the informant.

It would appear from perusal of the case diary that one Sanjay Kumar Rawat was arrested on the basis of calls details and made confessional statement disclosing this fact that he along with co-accused Mukesh Kumar, maternal uncle of Mahesh strangled the deceased and at that time one friend of the co-accused Mahesh was also present. In course of investigation, co-accused Mahesh was arrested and he, too, made his confessional statement disclosing this fact that the co-accused Sanjay Kumar Rawat, petitioner in Cr. Misc. No. 50503 of 2014 and co-accused Mama Singh @ Mithlesh Kumar put Gamcha around the neck of the deceased and pulled the said Gumcha as a result thereof deceased died then and there. The aforesaid accused also disclosed

this fact that later on, he cut the neck of deceased by dagger.

Learned counsel appearing for the petitioners submits that according to prosecution case itself, petitioners in Cr. Misc. No. 50165 of 2014 had not taken any part either in kidnapping or killing of the deceased and, at best, it can be said that they helped the other accused in selling the vehicle of the deceased. It is further contended on behalf of the petitioners that so far as petitioner in Cr. Misc. No. 50503 of 2014 is concerned, except the confessional statement of co-accused, there is nothing against him and moreover, co-accused Sanjay Kumar Rawat did not disclose the name of petitioner in Cr. Misc. No.50503 of 2014 in his confessional statement. It is further contended by him that so far as the confessional statement of co-accused Mukesh Kumar is concerned, the post mortem report of the deceased does not corroborate the statement of co-accused Mahesh because no strangulation mark was found on the neck of the deceased and only incised wound was found on the neck of the deceased.

Learned counsel appearing for the informant family opposed the prayer arguing that it is a heinous crime of murder and the only son of the informant was killed by the petitioners and other accused.

Considering the aforesaid facts and circumstances as

well as submissions of the parties, particularly, keeping in mind the accusation leveled against the petitioners, let the petitioners, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of Learned Judicial Magistrate1st class, Patna in connection with Phulwarisarif (Janipur) P.S.Case No. 495 of 2014.

(Hemant Kumar Srivastava, J)

Namita/-

U		T	
---	--	---	--