

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31429 of 2021

Arising Out of PS. Case No.-472 Year-2020 Thana- PARBATTa District- Khagaria

PREETI KUMARI Daughter of Harendra Thakur Resident of Railway Colony, Police Station- Mojahidpur, District- Bhagalpur at present resident of Gouripur (Lattipur), Near- Central Bank, Police Station- Bihpur, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 34387 of 2021

Arising Out of PS. Case No.-472 Year-2020 Thana- PARBATTa District- Khagaria

KUNAL KANHAIYA S/o- Rajnish Kumar Singh @ Rajnish Kumar Resident of Village- Nayagaon Satkhuti, P.S.- Parbatta, District- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 60168 of 2021

Arising Out of PS. Case No.-472 Year-2020 Thana- PARBATTa District- Khagaria

CHHOTU KUMAR @ CHHOTU THAKUR S/O SACHITANAND THAKUR R/o village- Gouripur, P.S.- Bihpur, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 31429 of 2021)

For the Petitioner/s : Mr.Viveka Nandsingh

For the Opposite Party/s : Mr. B.N. Pandey

(In CRIMINAL MISCELLANEOUS No. 34387 of 2021)

For the Petitioner/s : Mr.Anil Kumar Choudhary

For the Opposite Party/s : Mr.Pawan Kumar Chaurasia

(In CRIMINAL MISCELLANEOUS No. 60168 of 2021)

For the Petitioner/s : Mr.Amrendra Kumar

For the Opposite Party/s : Mr.Akhileshwar Dayal



CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 23-03-2022 Heard learned counsel for the petitioners and learned
APP for the State.

Since all the three bail applications arise out of same
Parbatta PS Case No. 472 / 2020, as such, all the three petitions
were taken up together and are being disposed of by this
common order.

Petitioners seek regular bail in connection with
Parbatta PS Case No. 472 of 2020 registered for the offence
under Sections 302 / 201 / 34 of the IPC.

As per the prosecution case lodged by Chaukidar dead
body of a person was found lying near the “Basa” of Pappu
Sangahi having deep injuries on the head. The FIR was lodged
against unknown persons.

Learned counsel for the petitioners submit that
petitioners are not named in the FIR however during the course
of investigation confessional statement of the petitioner / Kunal
Kanhaiya (Cr. Misc. No. 34387 / 2021) and Chhotu Kumar @
Chhotu Thakur (Cr. Misc. No. 60168 / 2021) were recorded
wherein they have stated that it was Rohit Kumar and Keshav
Kumar Singh @ Sixer, who killed the deceased by means of
fire arms. The petitioner of Cr. Misc. No. 31429 of 2021 Preeti



Kumari is the wife of the deceased and her name has come in this case during the course of investigation on the basis of confessional statement that she was one of the conspirators of the crime. Learned counsel further submits that petitioners have been made accused on the basis of self inculpatory confessional statement and except confessional statement of the petitioner - Chhotu Kumar @ Chhotu Thakur and Kunal Kanhaiya no other material is there to connect them with the present offence. It is further submitted that from perusal of the post mortem report at Annexure 2 in Cr. Misc. 31429 / 2021 , it would be evident that deceased did not receive any fire arm / bullet injury and cause of death is due to assault upon the deceased by hard and blunt substance. They referring to the order passed in by this court in Cr. Misc. No. 41455 / 2021 submits that the co-accused / Rohit Kumar, who as per the confessional statement fired upon the deceased has been granted bail by this court.

Regard being had to the submissions made by the parties, taking into consideration the material available on record, the fact that death of the deceased has not been caused by fire arm injury, petitioners are in custody since 28-1-2021, 19-01-2021 and 23-01-2021 respectively, the co-accused person has been granted bail by this court, as such, I am inclined to



grant regular bail to the petitioners.

Let the petitioners, Preeti Kumari, Kunal Kanhaiya and Chhotu Kumar @ Chhotu Thakur be released on regular bail on furnishing bail bond of Rs. 25000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M. 1st, Khagaria (1st and 2nd case) and learned Additional Sessions Judge Vth, Khagaria (3rd case) in connection with Parbatta PS Case No. 472 of 2020.

(Anil Kumar Sinha, J)

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